

# VARIOUS BILLS AND RESOLUTIONS

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## MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

**H.R. 2828, H.R. 3432, H. Res. 405, H. Res. 624,  
H. Res. 635, H. Res. 651, H. Con. Res. 200,  
H. Con. Res. 203, H.R. 2003, S. 1612 and  
H. Res. 676**

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SEPTEMBER 26, 2007

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## VARIOUS BILLS AND RESOLUTIONS

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WEDNESDAY, SEPTEMBER 26, 2007

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:04 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the committee) presiding.

Chairman LANTOS. The meeting of the committee will come to order.

Before proceeding to the measures noted to members of the committee, I want to recognize the distinguished ranking member, Ms. Ileana Ros-Lehtinen, my good friend from Florida, and my good friend from New York, Mr. Engel, who have introduced H.R. 2332 relating to Syria.

The threat posed by Syria to the Middle East region has been very much on our minds in recent days, and I look forward to working with my distinguished colleagues to get this legislation ready for markup in October.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Thank you. Thank you so much, Mr. Chairman.

It is always a pleasure to work with you and your staff. This is one of the committees that works on a bipartisan level, and I thank you so much for your commitment to take up the bill that I have been working on with my good friend, Eliot Engel, the Syria Accountability and Liberation Act.

As noted in today's paper, it is reported that three terrorism suspects arrested this month in Germany had acquired detonators that originated in Syria, so we look forward to continuing this working relationship with you and your staff to move this bill in the next committee markup.

Thank you, Mr. Chairman.

Chairman LANTOS. Thank you very much.

We have a series of noncontroversial bills on the agenda. It is the intention of the chair to consider these measures en bloc and by unanimous consent authorize the chair to seek consideration of the bills under suspension of the rules. All members are given leave to insert remarks on the measures into the record should they choose to do so.

The chair notes that certain measures were added to the committee's agenda only a short time ago, and the chair wishes to advise the members that the chair and the ranking member intend to re-

view these measures as they move forward in the legislative process.

Would you like to say something at this time?

Ms. ROS-LEHTINEN. No. Thank you very much.

Chairman LANTOS. Without objection, the chairman is authorized to seek consideration of the following bills under suspension of the rules, and the amendments to those measures which the members have before them shall be deemed adopted: H.R. 2828, To provide compensation to relatives of United States citizens who were killed as a result of the bombings of the United States Embassies in East Africa on August 7, 1998; H.R. 3432, To establish the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade; H.R. 405, Expressing support of the House of Representatives for implementation of the July 8, 2006, United Nations-brokered agreement relating to the reunification of Cyprus; H. Res. 624, Congratulating the State of Israel on chairing a United Nations committee for the first time in history; H. Res. 635, Recognizing the commencement of Ramadan, the Islamic holy month of fasting, and commending Muslims in the United States and throughout the world for their faith; H. Res. 651, Recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, recognizing the importance of the March 9, 2007, United States-Brazil Memorandum of Understanding on biofuels cooperation; H. Con. Res. 200, Expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi by the Government of Burma; and H. Con. Res. 203, Condemning the persecution of labor rights advocates in Iran.

[The information referred to follows:]

110TH CONGRESS  
1ST SESSION

# H. R. 2828

To provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2007

Mr. JACKSON of Illinois (for himself and Mr. BLUNT) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. COMPENSATION FOR UNITED STATES CITIZENS**

4 **WHO WERE VICTIMS OF THE BOMBINGS OF**  
5 **UNITED STATES EMBASSIES IN EAST AFRICA**  
6 **ON AUGUST 7, 1998.**

7 (a) PURPOSE.—The purpose of this section is to pro-  
8 vide compensation to relatives of United States citizens

1 who were killed as a result of the bombings of United  
2 States Embassies in East Africa on August 7, 1998.

3 (b) COMPENSATION AUTHORIZED.—The Secretary of  
4 State is authorized to provide compensation to the per-  
5 sonal representative of a decedent who is an eligible indi-  
6 vidual described in subsection (c).

7 (c) ELIGIBLE INDIVIDUALS.—A decedent is an eligi-  
8 ble individual for purposes of this subsection if the indi-  
9 vidual was a citizen of the United States who—

10 (1) was present at the United States Embassy  
11 in Nairobi, Kenya, or the United States Embassy in  
12 Dar es Salaam, Tanzania, at the time, or in the im-  
13 mediate aftermath, of the bombings of United States  
14 embassies in East Africa on August 7, 1998; and

15 (2) suffered death as a result of such a bomb-  
16 ing.

17 (d) EQUITABLE DISTRIBUTION.—To the maximum  
18 extent practicable, the Secretary of State shall ensure an  
19 equitable distribution of amounts of compensation under  
20 this section among the personal representatives of dece-  
21 dents who are eligible individuals described in subsection  
22 (c).

23 (e) REGULATIONS.—The Secretary of State is au-  
24 thorized to promulgate such regulations as may be nec-  
25 essary to carry out this section.

5

3

1       (f) AUTHORIZATION OF APPROPRIATIONS.—To carry  
2 out this section, there is authorized to be appropriated to  
3 the Secretary of State \$18,000,000.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2828  
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Service Vic-  
3 tims of Terrorism Act of 2007”.

**4 SEC. 2. DEATH GRATUITY.**

5 Section 413 of the Foreign Service Act of 1980 (22  
6 U.S.C. 3973) is amended—

7 (1) in subsection (a), in the first sentence, by  
8 striking “at the time of death” and inserting “at  
9 level II of the Executive Schedule at the time of  
10 death, except that in the case of foreign national em-  
11 ployees, foreign nationals appointed under section  
12 303, and locally employed staff the amount shall be  
13 equal to one year’s basic salary at the highest step  
14 of the highest grade on the local compensation plan  
15 of the country in which the foreign national or lo-  
16 cally employed staffer was being paid”;

17 (2) by redesignating subsection (d) as sub-  
18 section (e); and

1           (3) by inserting after subsection (c) the fol-  
2       lowing new subsection:

3       “(d) In addition to a death gratuity payment under  
4       subsection (a), the Secretary or the head of the relevant  
5       United States Government agency is authorized to provide  
6       for payment to the surviving dependents of a Foreign  
7       Service employee or a Government executive branch em-  
8       ployee, if such Foreign Service employee or Government  
9       executive branch employee is subject to the authority of  
10      the chief of mission pursuant to section 207, of an amount  
11      equal to a maximum of eight times the salary of such For-  
12      eign Service employee or Government executive branch  
13      employee if such Foreign Service employee or Government  
14      executive branch employee is killed as a result of an act  
15      of international terrorism. Such payment shall be accorded  
16      the same treatment as a payment made under subsection  
17      (a). For purposes of this subsection, the term ‘act of inter-  
18      national terrorism’ has the meaning given such term in  
19      section 2331(1) of title 18, United States Code.”.

20      **SEC. 3. PAYMENTS TO FAMILIES OF CERTAIN VICTIMS OF**  
21                                   **TERRORISM.**

22      Subject to the availability of appropriations, and not-  
23      withstanding any other provision of law, the Secretary of  
24      State shall pay the maximum amount of payment under  
25      section 413(d) of the Foreign Service Act of 1980 (as

1 amended by section 2(3) of this Act) to an individual de-  
2 scribed in such section 413(d) or to an individual who was  
3 otherwise serving at a United States diplomatic or con-  
4 sular mission abroad without a regular salary who was  
5 killed as a result of an act of international terrorism (as  
6 such term is defined in section 2331(1) of title 18, United  
7 States Code) that occurred between January 1, 1998, and  
8 the date of the enactment of this Act, including the victims  
9 of the bombing of August 7, 1998, in Nairobi, Kenya.  
10 Such a payment shall be deemed to be a payment under  
11 section 413(d) of the Foreign Service Act of 1980, except  
12 that for purposes of this section, such payment shall be  
13 in an amount equal to ten times the salary specified in  
14 this section. For purposes of this section and section  
15 413(d) of such Act, with respect to a United States citizen  
16 receiving payment under this section, the salary to be used  
17 for purposes of determining such payment shall be  
18 \$94,000.

110TH CONGRESS  
1ST SESSION

# H. R. 3432

To establish the 200th Anniversary Commemoration Commission of the  
Abolition of the Transatlantic Slave Trade, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. PAYNE (for himself, Mr. JEFFERSON, Ms. LEE, Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. RUSH, Mr. CONYERS, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

---

## A BILL

To establish the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “200th Anniversary  
5 Commemoration Commission of the Abolition of the  
6 Transatlantic Slave Trade Act of 2007”.

### 7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

1           (1) On March 3, 1807, President Thomas Jef-  
2       ferson signed into law a bill approved by Congress  
3       “An Act to prohibit the importation of slaves into  
4       any port or place within the jurisdiction of the  
5       United States” and made it unlawful “to import or  
6       bring into the United States or territories thereof  
7       from any foreign kingdom, place or country, any  
8       negro, mulatto, or person of colour, with intent to  
9       hold, sell, or dispose of such ... as a slave, or to be  
10      held to service or labour”.

11          (2) Article I, Section 9 of the United States  
12      Constitution clearly spelled out that the inter-  
13      national slave trade could not be banned before  
14      1808, and it is only on January 1, 1808, that the  
15      American Act went into effect.

16          (3) An Act entitled “An Act to continue in  
17      force ‘An act to protect the commerce of the United  
18      States, and punish the crime of piracy,’ and also to  
19      make further provisions for punishing the crime of  
20      piracy”, enacted May 15, 1820, made it unlawful for  
21      any citizen of the United States to engage “in the  
22      slave trade, or ... , being of the crew or ship’s com-  
23      pany of any ship ... , seize any negro or mulatto ...  
24      with the intent to make ... a slave ... or forcibly  
25      bring ... on board any such ship ... .”.

1           (4) The transatlantic slave trade was the cap-  
2       ture and procurement of Africans, mostly from West  
3       Africa, in order to bring them to the United States  
4       and the colonies that became the United States, for  
5       the purpose of enslavement between the sixteenth  
6       and late nineteenth centuries.

7           (5) The Middle Passage was the forced migra-  
8       tion through overseas transport of millions of Afri-  
9       cans to the Americas, many of whom suffered abuses  
10      of rape and perished as a result of torture, malnutri-  
11      tion, disease, and resistance in transit, with those  
12      who survived sold into slavery.

13          (6) During the transatlantic slave trade more  
14      than 12,000,000 Africans were transported in bond-  
15      age from their African homelands to the Americas.

16          (7) The thirteenth amendment to the Constitu-  
17      tion of the United States recognizes that “Neither  
18      slavery nor involuntary servitude, except as a pun-  
19      ishment for crime whereof the party shall have been  
20      duly convicted, shall exist within the United States,  
21      or any place subject to their jurisdiction.”.

22          (8) The slave trade and the legacy of slavery  
23      continue to have a profound impact on social and  
24      economic disparity, hatred, bias, racism, and dis-

1       crimination, and continue to affect people of African  
2       descent today.

3               (9) In 2007, the British Parliament marked the  
4       200th anniversary of the abolition of the slave trade  
5       in the former British Empire with plans launched by  
6       the Department for Education and Skills which pro-  
7       vided joint funding of £910,000 (\$1,800,000) for  
8       the understanding slavery initiative, and the Herit-  
9       age Lottery Fund announced awards of over  
10      £20,000,000 (\$40,000,000) for projects to com-  
11      memorate the anniversary.

12      (b) PURPOSE.—The purpose of this Act is to estab-  
13      lish the 200th Anniversary Commemoration Commission  
14      of the Abolition of the Transatlantic Slave Trade to—

15              (1) ensure a suitable national observance of the  
16      200th anniversary of the abolition of the trans-  
17      atlantic slave trade by sponsoring and supporting  
18      commemorative programs;

19              (2) cooperate with and assist the programs and  
20      activities throughout the United States in observ-  
21      ance of the 200th anniversary of the abolition of the  
22      transatlantic slave trade;

23              (3) assist in ensuring that the observations of  
24      the 200th anniversary of the abolition of the trans-  
25      atlantic slave trade are inclusive and appropriately

1 recognize the experiences of all people during this  
2 period in history; and

3 (4) support and facilitate international involve-  
4 ment in observances of the 200th anniversary of the  
5 abolition of the transatlantic slave trade act.

6 **SEC. 3. ESTABLISHMENT.**

7 There is established a commission to be known as the  
8 “Transatlantic Slave Trade 200th Anniversary Commis-  
9 sion” (referred to in this Act as the “Commission”).

10 **SEC. 4. THE TRANSATLANTIC SLAVE TRADE 200TH ANNI-**  
11 **VERSARY COMMISSION.**

12 (a) MEMBERSHIP.—

13 (1) IN GENERAL.—The Commission shall be  
14 composed of 9 members, of whom—

15 (A) 4 shall be appointed by the Speaker of  
16 the House of Representatives;

17 (B) 3 shall be appointed by the majority  
18 leader of the Senate;

19 (C) 1 shall be appointed by the minority  
20 leader of the House of Representatives; and

21 (D) 1 shall be appointed by the minority  
22 leader of the Senate.

23 (2) QUALIFICATIONS.—Members of the Com-  
24 mission shall be individuals with demonstrated ex-  
25 pertise or experience in the study and program fa-

1 cilitation on the transatlantic slave trade and the in-  
2 stitution of slavery as it relates to the United States,  
3 or both.

4 (3) TERM; VACANCIES.—

5 (A) TERM.—A member of the Commission  
6 shall be appointed for the life of the Commis-  
7 sion.

8 (B) VACANCIES.—

9 (i) IN GENERAL.—A vacancy on the  
10 Commission shall be filled in the same  
11 manner in which the original appointment  
12 was made.

13 (ii) PARTIAL TERM.—A member ap-  
14 pointed to fill a vacancy on the Commis-  
15 sion shall serve for the remainder of the  
16 term for which the predecessor of the  
17 member was appointed.

18 (4) MEETINGS.—

19 (A) IN GENERAL.—The Commission shall  
20 meet—

21 (i) as many times as necessary; or

22 (ii) at the call of the Chairperson or  
23 the majority of the members of the Com-  
24 mission.

1 (B) INITIAL MEETING.—Not later than 30  
2 days after the date on which all members of the  
3 Commission have been appointed, the Commis-  
4 sion shall hold its initial meeting.

5 (C) APPOINTMENT OF CHAIRPERSON AND  
6 EXECUTIVE DIRECTOR.—Not later than 60 days  
7 after the date on which all members of the  
8 Commission have been appointed, the Commis-  
9 sion shall—

10 (i) designate 1 of the members as  
11 Chairperson; and

12 (ii) select an executive director as de-  
13 scribed under subsection (d)(2).

14 (5) VOTING.—

15 (A) IN GENERAL.—The Commission shall  
16 act only on an affirmative vote of a majority of  
17 the members of the Commission.

18 (B) QUORUM.—A majority of the members  
19 of the Commission shall constitute a quorum  
20 for conducting business but fewer members may  
21 meet or hold hearings.

22 (b) DUTIES.—

23 (1) IN GENERAL.—The Commission shall—

24 (A) plan, develop, and execute programs  
25 and activities appropriate to commemorate the

1           200th anniversary of the abolition of the trans-  
2           atlantic slave trade;

3                 (B) facilitate commemoration-related ac-  
4           tivities throughout the United States;

5                 (C) encourage civic, historical, educational,  
6           religious, economic, and other organizations, as  
7           well as State and local governments, throughout  
8           the United States to organize and participate in  
9           anniversary activities to expand the under-  
10          standing and appreciation of the significance of  
11          the transatlantic slave trade and the institution  
12          of slavery particularly as it relates to the  
13          United States, or both;

14                (D) coordinate and facilitate for the public  
15          scholarly research on, publication about, and in-  
16          terpretation of, the transatlantic slave trade  
17          and the institution of slavery particularly as it  
18          relates to the United States, or both;

19                (E) assist in the development of appro-  
20          priate programs and facilities to ensure that the  
21          200th anniversary of the abolition of the trans-  
22          atlantic slave trade provides a lasting legacy  
23          and long-term public benefit;

24                (F) support and facilitate marketing ef-  
25          forts for the issuance of a commemorative coin,

1 postage stamp, and related activities for observ-  
2 ances;

3 (G) facilitate the convening of a joint  
4 meeting or joint session of the Congress for  
5 ceremonies and activities relating to the trans-  
6 atlantic slave trade and the institution of slav-  
7 ery particularly as it relates to the United  
8 States, or both;

9 (H) promote the sponsorship of con-  
10 ferences, exhibitions, or public meetings con-  
11 cerning the transatlantic slave trade and the in-  
12 stitution of slavery particularly as it relates to  
13 the United States, or both;

14 (I) coordinate and facilitate the sponsor-  
15 ship of high school and collegiate essay contests  
16 concerning the transatlantic slave trade and the  
17 institution of slavery particularly as it relates to  
18 the United States, or both;

19 (J) examine reports of modern-day slavery  
20 and human trafficking to raise the public's  
21 awareness of these matters and ensure such  
22 atrocities do not go unnoticed by the people of  
23 the United States.

24 (2) REPORT.—Not later than 11 months after  
25 the date of the enactment of this Act, the Commis-

1       sion shall submit to the Congress a report con-  
2       taining a summary of the activities of the Commis-  
3       sion.

4       (c) POWERS OF THE COMMISSION.—The Commission  
5       may—

6               (1) recommend to the Congress the activities  
7       that the Commission considers most fitting and  
8       proper to commemorate the anniversary of the aboli-  
9       tion of the transatlantic slave trade and the entity  
10      in the Federal Government that the Commission  
11      considers most appropriate to carry out such activi-  
12      ties;

13              (2) accept donations and gifts, and make dis-  
14      persions of money, personal services, and real and  
15      personal property related to the transatlantic slave  
16      trade, the institution of slavery, and the significance  
17      of slavery to the history of the United States;

18              (3) appoint such advisory committees as the  
19      Commission determines necessary to carry out this  
20      Act;

21              (4) authorize any member or employee of the  
22      Commission to take any action that the Commission  
23      is authorized to take under this Act;

24              (5) procure supplies, services, and property, and  
25      make or enter into contracts, leases, or other legal

1 agreements, to carry out this Act (except that any  
2 contracts, leases, or other legal agreements made or  
3 entered into by the Commission shall not extend be-  
4 yond the date of the termination of the Commis-  
5 sion); and

6 (6) use the United States mails in the same  
7 manner and under the same conditions as other  
8 Federal agencies;

9 (d) PERSONNEL MATTERS.—

10 (1) COMPENSATION OF MEMBERS OF THE COM-  
11 MISSION.—

12 (A) BASIC PAY.—Members of the Commis-  
13 sion shall not receive compensation for the per-  
14 formance of their duties on behalf of the Com-  
15 mission.

16 (B) TRAVEL EXPENSES.—A member of the  
17 Commission shall be allowed travel expenses, in-  
18 cluding per diem in lieu of subsistence, at rates  
19 authorized for an employee of an agency under  
20 subchapter I of chapter 57 of title 5, United  
21 States Code, while away from their homes or  
22 regular place of business in the performance of  
23 the duties on behalf of the Commission.

24 (2) STAFF.—

1 (A) IN GENERAL.—The Chairperson of the  
2 Commission may, without regard to the civil  
3 service laws (including regulations), appoint  
4 and terminate an executive director and such  
5 other additional personnel as are necessary to  
6 enable the Commission to perform its duties.

7 (B) EXECUTIVE DIRECTOR.—

8 (i) QUALIFICATIONS.—The Chair-  
9 person shall appoint an executive director  
10 with demonstrated expertise or experience  
11 in the study and program facilitation on  
12 the transatlantic slave trade and the insti-  
13 tution of slavery particularly as it relates  
14 to the United States, or both.

15 (ii) CONFIRMATION.—The employ-  
16 ment of an executive director shall be sub-  
17 ject to confirmation by the members of the  
18 Commission.

19 (C) COMPENSATION.—The Chairperson of  
20 the Commission may fix the compensation of  
21 the executive director and other personnel with-  
22 out regard to the provision of chapter 51 and  
23 subchapter III of chapter 53 of title 5, United  
24 States Code, relating to classification of posi-  
25 tions and General Schedule pay rates, except

1           that the rate of pay for the executive director  
2           and other personnel may not exceed the rate  
3           payable for level V of the Executive Schedule  
4           under section 5316 of such title.

5           (D) VOLUNTEER AND UNCOMPENSATED  
6           SERVICES.—Notwithstanding section 1342 of  
7           title 31, United States Code, the Commission  
8           may accept and use voluntary and uncompensated  
9           services as the Commission determines  
10          necessary.

11          (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
12          TENT SERVICES.—The Chairperson of the Commission  
13          may procure temporary and intermittent services in ac-  
14          cordance with section 3109(b) of title 5, United States  
15          Code, at rates for individuals that do not exceed the daily  
16          equivalent of the annual rate of basic pay prescribed for  
17          level V of the Executive Schedule under section 5316 of  
18          that title.

19          (f) NON-APPLICABILITY OF FACA.—Section 14(b) of  
20          the Federal Advisory Committee Act (5 U.S.C. App.) shall  
21          not apply to the Commission.

22      **SEC. 5. TERMINATION.**

23          (a) DATE OF TERMINATION.—The Commission shall  
24          terminate on December 31, 2009.

1 (b) FINAL REPORT.—Upon termination, the Com-  
2 mission shall submit to the Congress a report  
3 containing—

4 (1) a detailed statement of the activities of the  
5 Commission; and

6 (2) a final accounting of the funds received and  
7 expended by the Commission.

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums  
10 as may be necessary to carry out this Act

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3432  
OFFERED BY MR. PAYNE OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on the  
3 Abolition of the Transatlantic Slave Trade Act of 2007”.

**4 SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) On March 2, 1807, President Thomas Jef-  
7 ferson signed into law a bill approved by the Con-  
8 gress “An Act to prohibit the importation of slaves  
9 into any port or place within the jurisdiction of the  
10 United States” (hereinafter in this Act referred to  
11 as the “1808 Transatlantic Slave Trade Act”) and  
12 made it unlawful “to import or bring into the United  
13 States or territories thereof from any foreign king-  
14 dom, place or country, any negro, mulatto, or person  
15 of colour, with intent to hold, sell, or dispose of  
16 such. . . as a slave, or to be held to service or  
17 labour”.

1           (2) Article I, Section 9 of the United States  
2       Constitution clearly spelled out that the inter-  
3       national slave trade could not be banned before  
4       1808, and it is only on January 1, 1808, that the  
5       1808 Transatlantic Slave Trade Act went into effect.

6           (3) An Act entitled “An Act to continue in  
7       force ‘An act to protect the commerce of the United  
8       States, and punish the crime of piracy,’ and also to  
9       make further provisions for punishing the crime of  
10      piracy”, enacted May 15, 1820, made it unlawful for  
11      any citizen of the United States to engage “in the  
12      slave trade, or..., being of the crew or ship’s com-  
13      pany of any foreign ship..., seize any negro or mu-  
14      latto...with the intent to make...a slave...or forcibly  
15      bring ...on board any such ship....”.

16          (4) The transatlantic slave trade entailed the  
17      kidnapping, purchase, and commercial export of Af-  
18      ricans, mostly from West and Central Africa, to the  
19      European colonies and new nations in the Americas,  
20      including the United States, where they were  
21      enslaved in forced labor between the 15th and mid-  
22      19th centuries.

23          (5) The term “Middle Passage” refers to the  
24      horrific part of the transatlantic slave trade when  
25      millions of Africans were chained together and

1       stowed by the hundreds in overcrowded ships where  
2       they were forced into small spaces for months with-  
3       out relief as they were transported across the Atlan-  
4       tic Ocean to the Americas.

5           (6) During the Middle Passage, enslaved Afri-  
6       cans resisted their enslavement through non-violent  
7       and violent means, including hunger strikes, suicide,  
8       and shipboard revolts, the most historically-recog-  
9       nized events taking place on board the Don Carlos  
10      in 1732 and on board the Amistad in 1839.

11          (7) Scholars estimate that, at a minimum, be-  
12      tween 10,000,000 and 15,000,000 Africans survived  
13      the Middle Passage, were imported as chattel  
14      through customs houses and ports across the Amer-  
15      icas, and were sold into slavery.

16          (8) The thirteenth amendment to the Constitu-  
17      tion of the United States recognizes that “Neither  
18      slavery nor involuntary servitude, except as a pun-  
19      ishment for crime whereof the party shall have been  
20      duly convicted, shall exist within the United States,  
21      or any place subject to their jurisdiction.”.

22          (9) The slave trade and the legacy of slavery  
23      continue to have a profound impact on social and  
24      economic disparity, hatred, bias, racism, and dis-

1       crimination, and continue to affect people in the  
2       Americas, particularly those of African descent.

3           (10) In 2007, the British Parliament marked  
4       the 200th anniversary of the abolition of the slave  
5       trade in the former British Empire with plans  
6       launched by the Department for Education and  
7       Skills which provided joint funding of £910,000  
8       (\$1,800,000) for the Understanding Slavery Initia-  
9       tive, and the Heritage Lottery Fund announced  
10      awards of over £20,000,000 (\$40,000,000) for  
11      projects to commemorate the anniversary.

12      (b) PURPOSE.—The purpose of this Act is to estab-  
13      lish the Commission on the Abolition of the Transatlantic  
14      Slave Trade to—

15           (1) ensure a suitable national observance of the  
16      200th anniversary of the abolition of the trans-  
17      atlantic slave trade by sponsoring and supporting  
18      commemorative programs;

19           (2) cooperate with and assist programs and ac-  
20      tivities throughout the United States in observance  
21      of the 200th anniversary of the abolition of the  
22      transatlantic slave trade;

23           (3) assist in ensuring that the observations of  
24      the 200th anniversary of the abolition of the trans-  
25      atlantic slave trade are inclusive and appropriately

1 recognize the experiences of all people during this  
2 period in history;

3 (4) support and facilitate international involve-  
4 ment in observances of the 200th anniversary of the  
5 abolition of the transatlantic slave trade; and

6 (5) study the impact of the transatlantic slave  
7 trade on the United States and the Americas.

8 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

9 There is established a commission to be known as the  
10 “Commission on the Abolition of the Transatlantic Slave  
11 Trade” (referred to in this Act as the “Commission”).

12 **SEC. 4. MEMBERSHIP, DUTIES, AND RELATED MATTERS.**

13 (a) MEMBERSHIP.—

14 (1) IN GENERAL.—

15 (A) The Commission shall be composed of  
16 9 members, of whom—

17 (i) 3 shall be appointed by the Speak-  
18 er of the House of Representatives;

19 (ii) 2 shall be appointed by the major-  
20 ity leader of the Senate;

21 (iii) 2 shall be appointed by the mi-  
22 nority leader of the House of Representa-  
23 tives; and

24 (iv) 2 shall be appointed by the minor-  
25 ity leader of the Senate.

1           (B) Each appointing authority described in  
2           subparagraph (A) shall appoint the initial mem-  
3           bers of the Commission not later than 30 days  
4           after the date of the enactment of this Act.

5           (2) QUALIFICATIONS.—Members of the Com-  
6           mission shall be individuals with demonstrated ex-  
7           pertise or experience in the study and program fa-  
8           cilitation on the transatlantic slave trade and the in-  
9           stitution of slavery as it relates to the United States  
10          and the Americas.

11          (3) TERM; VACANCIES.—

12           (A) TERM.—A member of the Commission  
13           shall be appointed for the life of the Commis-  
14           sion.

15           (B) VACANCIES.—

16           (i) IN GENERAL.—A vacancy on the  
17           Commission shall be filled in the same  
18           manner in which the original appointment  
19           was made.

20           (ii) PARTIAL TERM.—A member ap-  
21           pointed to fill a vacancy on the Commis-  
22           sion shall serve for the remainder of the  
23           term for which the predecessor of the  
24           member was appointed.

25          (4) MEETINGS.—

1 (A) IN GENERAL.—The Commission shall  
2 meet—

3 (i) as many times as necessary; or

4 (ii) at the call of the Chairperson or  
5 the majority of the members of the Com-  
6 mission.

7 (B) INITIAL MEETING.—Not later than 30  
8 days after the date on which all members of the  
9 Commission have been appointed, the Commis-  
10 sion shall hold its initial meeting.

11 (C) APPOINTMENT OF CHAIRPERSON AND  
12 EXECUTIVE DIRECTOR.—Not later than 60 days  
13 after the date on which all members of the  
14 Commission have been appointed, the Commis-  
15 sion shall—

16 (i) designate 1 of the members as  
17 Chairperson; and

18 (ii) select an executive director as de-  
19 scribed under subsection (d)(2).

20 (5) VOTING.—

21 (A) IN GENERAL.—The Commission shall  
22 act only on an affirmative vote of a majority of  
23 the members of the Commission.

24 (B) QUORUM.—A majority of the members  
25 of the Commission, which includes at least 1

1 member appointed pursuant to clause (iii) or  
2 (iv) of paragraph (1)(A), shall constitute a  
3 quorum for conducting business but fewer  
4 members may meet or hold hearings.

5 (b) DUTIES.—

6 (1) IN GENERAL.—The Commission shall—

7 (A) plan, develop, and execute programs  
8 and activities appropriate to commemorate the  
9 200th anniversary of the abolition of the trans-  
10 atlantic slave trade;

11 (B) facilitate commemoration-related ac-  
12 tivities throughout the United States;

13 (C) encourage civic, historical, educational,  
14 religious, economic, and other organizations, as  
15 well as State and local governments, throughout  
16 the United States to organize and participate in  
17 anniversary activities to expand the under-  
18 standing and appreciation of the significance of  
19 the transatlantic slave trade and the institution  
20 of slavery, particularly as it relates to the  
21 United States;

22 (D) coordinate and facilitate for the public  
23 scholarly research on, publication about, and in-  
24 terpretation of, the transatlantic slave trade

1 and the institution of slavery, particularly as it  
2 relates to the United States;

3 (E) assist in the development of appro-  
4 priate programs and facilities to ensure that the  
5 200th anniversary of the abolition of the trans-  
6 atlantic slave trade provides a lasting legacy  
7 and long-term public benefit;

8 (F) support and facilitate marketing ef-  
9 forts for the issuance of a commemorative coin,  
10 postage stamp, and related activities for observ-  
11 ances;

12 (G) facilitate the convening of a joint  
13 meeting or joint session of the Congress for  
14 ceremonies and activities relating to the trans-  
15 atlantic slave trade and the institution of slav-  
16 ery, particularly as it relates to the United  
17 States;

18 (H) promote the sponsorship of con-  
19 ferences, exhibitions, or public meetings con-  
20 cerning the transatlantic slave trade and the in-  
21 stitution of slavery, particularly as it relates to  
22 the United States;

23 (I) coordinate and facilitate the sponsor-  
24 ship of high school and collegiate essay contests  
25 concerning the transatlantic slave trade and the

1 institution of slavery, particularly as it relates  
2 to the United States; and

3 (J) examine reports of modern-day slavery  
4 and human trafficking to raise the public's  
5 awareness of these matters and ensure such  
6 atrocities do not go unnoticed by the people of  
7 the United States.

8 (2) INITIAL REPORT.—Not later than March  
9 31, 2009, the Commission shall submit to the Con-  
10 gress a report containing a summary of the activities  
11 of the Commission for 2008.

12 (c) POWERS OF THE COMMISSION.—The Commission  
13 may—

14 (1) accept donations and gift items related to  
15 the transatlantic slave trade, the institution of slav-  
16 ery, and the significance of slavery to the history of  
17 the United States;

18 (2) appoint such advisory committees as the  
19 Commission determines necessary to carry out this  
20 Act;

21 (3) authorize any member or employee of the  
22 Commission to take any action that the Commission  
23 is authorized to take under this Act;

24 (4) procure supplies, services, and property, and  
25 make or enter into contracts, leases, or other legal

1 agreements, to carry out this Act (except that any  
2 contracts, leases, or other legal agreements made or  
3 entered into by the Commission shall not extend be-  
4 yond the date of the termination of the Commis-  
5 sion); and

6 (5) use the United States mails in the same  
7 manner and under the same conditions as other  
8 Federal agencies.

9 (d) PERSONNEL MATTERS.—

10 (1) COMPENSATION OF MEMBERS OF THE COM-  
11 MISSION.—

12 (A) BASIC PAY.—Members of the Commis-  
13 sion shall not receive compensation for the per-  
14 formance of their duties on behalf of the Com-  
15 mission.

16 (B) TRAVEL EXPENSES.—A member of the  
17 Commission shall be allowed travel expenses, in-  
18 cluding per diem in lieu of subsistence, at rates  
19 authorized for an employee of an agency under  
20 subchapter I of chapter 57 of title 5, United  
21 States Code, while away from their homes or  
22 regular place of business in the performance of  
23 their duties on behalf of the Commission.

24 (2) STAFF.—

1 (A) IN GENERAL.—The Chairperson of the  
2 Commission shall, without regard to the civil  
3 service laws (including regulations), appoint  
4 and terminate an executive director and such  
5 other additional personnel as are necessary to  
6 enable the Commission to perform its duties.

7 (B) EXECUTIVE DIRECTOR.—

8 (i) QUALIFICATIONS.—The person ap-  
9 pointed executive director shall have dem-  
10 onstrated expertise or experience in the  
11 study and program facilitation on the  
12 transatlantic slave trade and the institu-  
13 tion of slavery, particularly as it relates to  
14 the United States.

15 (ii) CONFIRMATION.—The employ-  
16 ment of an executive director shall be sub-  
17 ject to confirmation by the members of the  
18 Commission.

19 (C) COMPENSATION.—The Chairperson of  
20 the Commission may fix the compensation of  
21 the executive director and other personnel with-  
22 out regard to the provisions of chapter 51 and  
23 subchapter III of chapter 53 of title 5, United  
24 States Code, relating to classification of posi-  
25 tions and General Schedule pay rates, except

1           that the rate of pay for the executive director  
2           and other personnel may not exceed the rate  
3           payable for level V of the Executive Schedule  
4           under section 5316 of such title.

5           (D) VOLUNTEER AND UNCOMPENSATED  
6           SERVICES.—Notwithstanding section 1342 of  
7           title 31, United States Code, the Commission  
8           may accept and use voluntary and uncompen-  
9           sated services as the Commission determines  
10          necessary.

11          (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
12          TENT SERVICES.—The Chairperson of the Commission  
13          may procure temporary and intermittent services in ac-  
14          cordance with section 3109(b) of title 5, United States  
15          Code, at rates for individuals that do not exceed the daily  
16          equivalent of the annual rate of basic pay prescribed for  
17          level V of the Executive Schedule under section 5316 of  
18          that title.

19          (f) NON-APPLICABILITY OF FACA.—Section 14(b) of  
20          the Federal Advisory Committee Act (5 U.S.C. App.) shall  
21          not apply to the Commission.

22       **SEC. 5. TERMINATION.**

23          (a) DATE OF TERMINATION.—The Commission shall  
24          terminate on December 31, 2009.

1 (b) FINAL REPORT.—Upon termination, the Com-  
2 mission shall submit to the Congress a report  
3 containing—

4 (1) a detailed statement of the activities of the  
5 Commission; and

6 (2) a final accounting of the funds received and  
7 expended by the Commission.

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums  
10 as may be necessary to carry out this Act.

110TH CONGRESS  
1ST SESSION

## H. RES. 405

Expressing the strong support of the House of Representatives for implementation of the July 8, 2006, United Nations-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2007

Mr. BILIRAKIS (for himself, Mrs. MALONEY of New York, Mr. SPACE, and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Foreign Affairs

---

## RESOLUTION

Expressing the strong support of the House of Representatives for implementation of the July 8, 2006, United Nations-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus.

Whereas, in recognition that any future efforts for a solution of the Cyprus problem need to be carefully prepared, President of the Republic of Cyprus Tassos Papadopoulos and former United Nations Secretary-General Kofi Annan met on February 28, 2006, in Paris, and reiterated that, “the resumption of the negotiating process within the framework of the Secretary General’s Good

Offices must be timely and based on careful preparation”;

Whereas on July 8, 2006, President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat, agreed, under the auspices of the United Nations Under Secretary-General Ibrahim Gambari, to a set of principles to begin a process of bi-communal discussions;

Whereas the set of principles agreed to are—

(1) commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant United Nations Security Council resolutions;

(2) recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots;

(3) commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed;

(4) agreement to begin a process immediately, involving bi-communal discussion of issues that affect the day to day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement; and

(5) commitment to ensure that the “right atmosphere” prevails for this process to be successful; in that connection, confidence-building measures are essential, both in terms of improving the atmosphere and improving the life of all Turkish and Greek Cypriots; and also in that connection, an end must be put to the so-called “blame game”;

Whereas, according to the agreement, technical committees and working groups would be set up to examine and dis-

cuss issues that affect day-to-day life of the people of Cyprus and concurrently those that concern substantive issues, thus contributing to a comprehensive settlement of the Cyprus problem;

Whereas in a statement issued on March 20, 2007, President Papadopoulos reiterated his call to Mr. Talat to implement the July 8, 2006, agreement on the basis of United Nations Under Secretary-General Gambari's subsequent suggestions outlining the implementation process;

Whereas on March 27, 2007, the United Nations Security Council in a statement on Cyprus indicated that, "the members of the Security Council urge both communities to work with the United Nations to implement the 8 July 2006 agreement, in particular through the immediate creation of bi-communal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive and durable settlement";

Whereas the United States has long supported fostering the reunification of Cyprus within a bi-zonal, bi-communal federation, and within a process that is led by the United Nations, thereby consistent with the intended aim of the July 8, 2006, agreement, and as set out in the relevant United Nations Security Council resolutions;

Whereas several meetings have been held between the Greek and Turkish Cypriot members of the coordination committee, consulting on the implementation of the July 8, 2006, agreement, but no technical committees or working groups have been set up as expected; and

Whereas, although the Government of the Republic of Cyprus committed itself to the immediate implementation of the

July 8, 2006, agreement, recent statements made by the Turkish Cypriot leadership indicate an unwillingness to proceed with the agreement: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2           (1) expresses its support for the immediate im-  
3       plementation of the July 8, 2006, agreement as the  
4       way forward to prepare for new comprehensive nego-  
5       tiations leading to the reunification of Cyprus within  
6       a bi-zonal, bi-communal federation as set out in the  
7       relevant United Nations Security Council resolu-  
8       tions; and

9           (2) calls upon the United States Government to  
10       fully support the immediate implementation of the  
11       July 8, 2006, agreement in its entirety and without  
12       deviation from that process.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. RES. 405  
OFFERED BY MR. LANTOS OF CALIFORNIA AND  
MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

Whereas, in recognition that any future efforts for a solution of the Cyprus problem need to be carefully prepared, President of the Republic of Cyprus Tassos Papadopoulos and former United Nations Secretary-General Kofi Annan met on February 28, 2006, in Paris, and reiterated that, “the resumption of the negotiating process within the framework of the Secretary General’s Good Offices must be timely and based on careful preparation”;

Whereas on July 8, 2006, President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat, agreed, under the auspices of United Nations Under Secretary-General Ibrahim Gambari, to a set of principles to begin a process of bi-communal discussions;

Whereas the set of principles agreed to are—

(1) commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant United Nations Security Council resolutions;

(2) recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots;

(3) commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed;

(4) agreement to begin a process immediately, involving bi-communal discussion of issues that affect the day-to-day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement; and

(5) commitment to ensure that the “right atmosphere” prevails for this process to be successful; in that connection, confidence-building measures are essential, both in terms of improving the atmosphere and improving the life of all Turkish and Greek Cypriots; and also in that connection, an end must be put to the so-called “blame game”;

Whereas, according to the agreement, technical committees and working groups would be set up to examine and discuss issues that affect day-to-day life of the people of Cyprus and concurrently those that concern substantive issues, thus contributing to a comprehensive settlement of the Cyprus problem;

Whereas on March 27, 2007, the United Nations Security Council in a statement on Cyprus indicated that, “the members of the Security Council urge both communities to work with the United Nations to implement the 8 July 2006 agreement, in particular through the immediate creation of bi-communal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive and durable settlement”;

Whereas the United States has long supported fostering the reunification of Cyprus within a bi-zonal, bi-communal federation, and within a process that is led by the United Nations, thereby consistent with the intended aim of the July 8, 2006, agreement, and as set out in the relevant United Nations Security Council resolutions;

Whereas several meetings have been held between the Greek and Turkish Cypriot members of the coordination committee, consulting on the implementation of the July 8, 2006, agreement, but no technical committees or working groups have been set up;

Whereas on June 15, 2007, the United Nations Security Council adopted Resolution 1758 which “expresses full support for the July 8, 2006 process, notes with concern the lack of progress, and calls upon all parties to immediately engage constructively with the United Nations efforts, as described in Under Secretary General Gambari’s letter of 15 November 2006, to demonstrate measurable progress in order to allow fully fledged negotiations to begin”; and

Whereas on September 5, 2007, President Papadopoulos and Mr. Talat “agreed on the need for the earliest start of the [Gambari] process” and to “continue their contact through the UN and to meet again when appropriate”: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

1           (1) expresses its support for the immediate im-  
2     plementation of the July 8, 2006, agreement as the  
3     way forward to prepare for new comprehensive nego-  
4     tiations leading to the reunification of Cyprus within  
5     a bi-zonal, bi-communal federation as set out in the  
6     relevant United Nations Security Council resolu-  
7     tions; and

8           (2) calls upon the United States Government to  
9     fully support the immediate implementation of the  
10    July 8, 2006, agreement in its entirety and without  
11    deviation from that process.

110TH CONGRESS  
1ST SESSION

# H. RES. 624

Congratulating the State of Israel on chairing a United Nations committee  
for the first time in history.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2007

Mr. HASTINGS of Florida (for himself and Mr. GENE GREEN of Texas) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Congratulating the State of Israel on chairing a United  
Nations committee for the first time in history.

Whereas the State of Israel is the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping, compete for open seats, or to run for positions in major bodies of the United Nations, such as the Security Council, or United Nations-affiliated agencies, such as the United Nations Human Rights Council;

Whereas Israel is excluded from discussions and consultations of the Western and Others Group at the United Nations offices in Geneva, Nairobi, Rome, and Vienna;

Whereas Israel has been refused admission to the Asian Group of the United Nations, thereby being denied the

rights and privileges of full membership in the United Nations;

Whereas Israel has submitted its candidacy for membership on the Security Council for 2019 and hopes to gain full participation rights in the United Nations;

Whereas, in 2004, at the first United Nations Department of Public Information Seminar on Anti-Semitism, former United Nations Secretary General Kofi Annan acknowledged that “the United Nations’ record on anti-Semitism has at times fallen short of our ideals”;

Whereas, in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas at the opening of the 61st General Assembly in 2006, former United Nations Secretary General Kofi Annan stated that “on one side, supporters of Israel feel that it is harshly judged by standards that are not applied to its enemies . . . and too often this is true, particularly in some UN bodies”;

Whereas, in January 2007, the United Nations General Assembly adopted by consensus a resolution condemning any denial of the Holocaust;

Whereas, on June 19, 2007, for the first time ever since Israel joined the United Nations, an Israeli diplomat, Mr. Ron Adam, director of the Israel Foreign Ministry’s United Nations Political Affairs Department, has been chosen to chair a United Nations committee, the Committee on Program and Coordination (CPC);

Whereas this 33 member body (composed of Argentina, Armenia, Belarus, Benin, Brazil, Bulgaria, the Republic of Central Africa, China, Comoros, Cuba, France, Ghana,

Haiti, India, Indonesia, Iran, Italy, Jamaica, Japan, Kenya, Pakistan, Portugal, Korea, Russia, Senegal, South Africa, Switzerland, Uruguay, Venezuela, Zimbabwe, United States, and Israel) approves the work plan for all United Nations agencies and bodies;

Whereas since Israel was accepted as part of the Western Europe and Others Group (WEOG) in 2000, it has had the right to apply for positions on United Nations committees;

Whereas Israel has played an active role in the international community and within the United Nations;

Whereas Israel already sits on several important committees, and representatives from Israel have served as deputy chairs in the United Nations numerous times;

Whereas Israelis were first elected to notable United Nations positions in 1994, including the high administrative tribunal at the Hague, Vice Chair of the World Health Organization's Executive Committee and the Human Rights Committee, in June 2005 Israel's Ambassador to the United Nations, Dan Gillerman, was appointed one of the 21 new vice presidents of the General Assembly, and in July 2005, Israel was elected to deputy chairmanship of the United Nations Disarmament Commission (UNDC); and

Whereas Israel's first unique appointment to chair a United Nations committee will hopefully encourage the normalization of Israel's bilateral and multilateral relations and challenge future disproportionate United Nations condemnation of Israel: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

1 (1) congratulates Mr. Ron Adam, Israel's Chair  
2 of the United Nations Committee on Program and  
3 Coordination, and the Government and people of the  
4 State of Israel on Israel's first ever appointment to  
5 chair a United Nations committee;

6 (2) supports continued expansion of Israel's  
7 role at the United Nations;

8 (3) welcomes recent attempts by the United  
9 Nations to address the issue of prevailing anti-Semi-  
10 tism;

11 (4) calls on the United Nations to officially and  
12 publicly condemn anti-Semitic statements made at  
13 all United Nations meetings and hold accountable  
14 United Nations Member States that make such  
15 statements;

16 (5) urges the members of WEOG to extend full  
17 and permanent membership to Israel, without condi-  
18 tions, until such time as Israel can serve as an effec-  
19 tive member of the Asian States Group; and

20 (6) calls upon United Nations Secretary-Gen-  
21 eral Ban Ki-Moon to work to end any unfair vilifica-  
22 tion of Israel at the United Nations and to use his  
23 good offices to support Israel's bid to join the Asian  
24 regional grouping.

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. RES. 624  
OFFERED BY MR. LANTOS OF CALIFORNIA AND  
MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

Whereas Israel joined the United Nations in 1949, as the 59th member of that organization;

Whereas the preamble of the Charter of the United Nations stated that its objective was to “to save succeeding generations from the scourge of war . . . and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . .”;

Whereas the United Nations has failed to live up to its goal to promote equal rights among states, as enshrined in its charter, in the case of Israel;

Whereas the democratic State of Israel is denied full representation within the United Nations, and its constituent agencies and bodies, yet repressive regimes in violation of United Nations human rights principles are afforded full rights and privileges;

Whereas in May 2000, Israel accepted an invitation to become a temporary member of the United Nations’ Western European and Others Group (WEOG), and in May 2004, Israel was granted an indefinite extension of its qualified membership in WEOG;

Whereas since Israel was accepted as part of WEOG in 2000, it has had the right to apply for positions on United Nations committees;

Whereas the State of Israel is the only member of WEOG in a conditional status;

Whereas Israel is excluded from discussions and consultations of WEOG at the United Nations offices in Geneva, Nairobi, Rome, and Vienna;

Whereas Israel has been refused admission to the Asian States Group of the United Nations, thereby being denied the rights and privileges of full membership in the United Nations;

Whereas Israel has submitted its candidacy for membership on the United Nations Security Council for 2019 and hopes to gain the full participation rights in the United Nations to which it is entitled as a sovereign state;

Whereas at the opening of the 61st United Nations General Assembly in 2006, former United Nations Secretary-General Kofi Annan stated that “supporters of Israel feel that it is harshly judged by standards that are not applied to its enemies . . . and too often this is true, particularly in some UN bodies”;

Whereas Israel has played an active role in the international community and within the United Nations;

Whereas Israel already sits on several important committees in the United Nations, and representatives from Israel have served as deputy chairs in the United Nations numerous times;

Whereas Israelis were first elected to notable United Nations positions in 1994, including the high administrative tribunal at the Hague, Vice Chair of the World Health Or-

ganization's Executive Committee and the Human Rights Committee, in June 2005 Israel's Ambassador to the United Nations, Dan Gillerman, was appointed one of the 21 new vice presidents of the General Assembly, and in July 2005, Israel was elected to deputy chairmanship of the United Nations Disarmament Commission (UNDC);

Whereas, on June 19, 2007, for the first time since Israel joined the United Nations, an Israeli diplomat, Mr. Ron Adam, Director of the Israeli Foreign Ministry's United Nations Political Affairs Department, was chosen to chair a United Nations committee, the Committee on Program and Coordination (CPC);

Whereas this 33 member body (composed of Argentina, Armenia, Belarus, Benin, Brazil, Bulgaria, the Republic of Central Africa, China, Comoros, Cuba, France, Ghana, Haiti, India, Indonesia, Iran, Italy, Jamaica, Japan, Kenya, Pakistan, Portugal, Korea, Russia, Senegal, South Africa, Switzerland, Uruguay, Venezuela, Zimbabwe, United States, and Israel) approves the work plan for all United Nations agencies and bodies;

Whereas Israel's first unique appointment to chair a United Nations committee will hopefully encourage the normalization of Israel's bilateral and multilateral relations and challenge future disproportionate United Nations condemnation of Israel;

Whereas anti-Semitic rhetoric and sentiment within United Nations fora have been of grave concern to the United States and other responsible nations;

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a

vote of 111-25, revoked Resolution 3379 in 1991 in response to strong leadership by the United States;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful, anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas, in 2004, at the first United Nations Department of Public Information Seminar on Anti-Semitism, former United Nations Secretary-General Kofi Annan acknowledged that “the United Nations’ record on anti-Semitism has at times fallen short of our ideals”; and

Whereas, in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

- 1           (1) congratulates the Government and people of
- 2           the State of Israel on Israel’s first ever appointment
- 3           to chair a United Nations committee;
- 4           (2) supports continued expansion of Israel’s
- 5           role at the United Nations;
- 6           (3) welcomes recent attempts by the United
- 7           Nations to address the issue of prevailing anti-Semi-
- 8           tism;

1           (4) calls on the United Nations to officially and  
2 publicly condemn anti-Semitic statements made at  
3 all United Nations meetings and hold accountable  
4 United Nations Member States that make such  
5 statements;

6           (5) urges the members of the United Nations'  
7 Western European and Others Group (WEOG) to  
8 extend full and permanent membership to Israel,  
9 without conditions, until such time as Israel can  
10 serve as an effective member of the Asian States  
11 Group of the United Nations; and

12          (6) calls upon United Nations Secretary-Gen-  
13 eral Ban Ki-Moon to continue to work to end any  
14 unfair vilification of Israel at the United Nations  
15 and ensure Israel's full participation in, and access  
16 to, all international fora under United Nations aus-  
17 pices.

Amend the title so as to read: “A resolution congratulating the State of Israel on chairing a United Nations committee for the first time in history, and for other purposes.”.

110TH CONGRESS  
1ST SESSION

## H. RES. 635

Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2007

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, and Mr. ELLISON) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

Whereas since the terrorist attacks on the United States on September 11, 2001, threats and incidents of violence have been directed at law-abiding, patriotic Americans of African, Arab, and South Asian descent, particularly members of the Islamic faith;

Whereas, on September 14, 2001, the House of Representatives passed a concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of the terrorist attacks;

Whereas it is estimated that there are approximately 1,500,000,000 Muslims worldwide;

Whereas Ramadan is the holy month of fasting and spiritual renewal for Muslims worldwide, and is the 9th month of the Muslim calendar year; and

Whereas the observance of the Islamic holy month of Ramadan commences at dusk on September 13, 2007, and continues for one lunar month: Now, therefore, be it

1       *Resolved*, That—

2           (1) during this time of conflict, in order to  
3       demonstrate solidarity with and support for mem-  
4       bers of the community of Islam in the United States  
5       and throughout the world, the House of Representa-  
6       tives recognizes the Islamic faith as one of the great  
7       religions of the world; and

8           (2) in observance of and out of respect for the  
9       commencement of Ramadan, the Islamic holy month  
10      of fasting and spiritual renewal, the House of Rep-  
11      resentatives acknowledges the onset of Ramadan and  
12      expresses its deepest respect to Muslims in the  
13      United States and throughout the world on this sig-  
14      nificant occasion.

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. RES. 635  
OFFERED BY MR. LANTOS OF CALIFORNIA AND  
MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

Whereas it is estimated that there are approximately 1,500,000,000 Muslims worldwide;

Whereas since the terrorist attacks on the United States on September 11, 2001, some threats and incidents of violence have been directed at law-abiding, patriotic Americans of African, Arab, and South Asian descent, particularly members of the Islamic faith;

Whereas, on September 14, 2001, the House of Representatives passed a concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of the terrorist attacks on the United States;

Whereas some extremists have attempted to use selective interpretations of Islam to justify and encourage hatred, persecution, oppression, violence and terrorism against the United States, the West, Israel, other Muslims, and non-Muslims;

Whereas some Muslims in the United States and abroad have courageously spoken out in rejection of interpretations of Islam that justify and encourage hatred, violence, and terror, and in support of interpretations of and movements within Islam that justify and encourage democ-

racy, tolerance and full civil and political rights for Muslims and those of all faiths;

Whereas Ramadan is the holy month of fasting and spiritual renewal for Muslims worldwide, and is the 9th month of the Muslim calendar year; and

Whereas the observance of the Islamic holy month of Ramadan commenced at dusk on September 13, 2007, and continues for one lunar month: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

1           (1) recognizes the Islamic faith as one of the  
2           great religions of the world;

3           (2) expresses friendship and support for Mus-  
4           lims in the United States and worldwide;

5           (3) acknowledges the onset of Ramadan, the Is-  
6           lamic holy month of fasting and spiritual renewal,  
7           and conveys its respect to Muslims in the United  
8           States and throughout the world on this occasion;

9           (4) rejects hatred, bigotry, and violence directed  
10          against Muslims, both in the United States and  
11          worldwide; and

12          (5) commends Muslims in the United States  
13          and across the globe who have privately and publicly  
14          rejected interpretations and movements of Islam

1       that justify and encourage hatred, violence, and ter-  
2       ror.

Amend the title so as to read: “A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and expressing respect to Muslims in the United States and throughout the world on this occasion, and for other purposes.”.

110TH CONGRESS  
1ST SESSION

## H. RES. 651

Recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, commending Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs, and recognizing the importance of the March 9, 2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels cooperation.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2007

Mr. ENGEL (for himself and Mr. BURTON of Indiana) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, commending Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs, and recognizing the importance of the March 9, 2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels cooperation.

Whereas following the oil shock of the early 1970s, Brazil chose to reduce its energy vulnerability by choosing sugar-based ethanol to diversify its energy sector and power its automobiles;

Whereas with large private and public investments and support from the World Bank, Brazil greatly expanded the amount of sugarcane it produced and began large-scale construction of alcohol distilleries to process sugar into ethanol;

Whereas decades of state investment have helped Brazil become the world's largest consumer and producer of ethanol from sugar cane;

Whereas ethanol supplies 40 percent of the motor fuel used in Brazil and is extremely competitive with gasoline;

Whereas the transition towards biofuels will have a positive impact on the environment and will help reduce greenhouse gases;

Whereas by the end of 2006, 80 percent of new car sales in Brazil were flex-fuel, meaning that they can run on ethanol, gasoline, or any mixture of both;

Whereas Brazil stands out as the leading example of a country that has diversified its energy supply and become a net exporter of energy, in large part by increasing its use and production of alternative energy sources, including ethanol;

Whereas putting the United States on a path toward ending its addiction to oil, as Brazil has done, by investing in clean alternative energy sources is essential in protecting United States national security, the environment, and the stability of the United States economy;

Whereas, on March 9, 2007, the United States and Brazil—the world's two largest ethanol producing countries—signed a Memorandum of Understanding (MOU) to promote greater cooperation on ethanol and biofuels in the Western Hemisphere;

Whereas the United States-Brazil MOU involves technology-sharing between the United States and Brazil, feasibility studies and technical assistance to build domestic biofuels industries in third countries, and multilateral efforts to advance the global development of biofuels;

Whereas the first countries targeted for United States-Brazilian technical assistance are the Dominican Republic, El Salvador, Haiti, and St. Kitts and Nevis;

Whereas United States President George W. Bush and Brazilian President Luiz Inacio “Lula” da Silva have met twice in 2007 as visible examples of the expanding warm relations and close ties between the United States and Brazil;

Whereas the United States and Brazil are the two largest and most diverse democracies in the Western Hemisphere;

Whereas Brazil—through its leadership of the United Nations Stabilization Mission (MINUSTAH) in Haiti and other achievements—has emerged as a regional leader in the Western Hemisphere; and

Whereas Secretary of State Condoleezza Rice has said that the United States looks to Brazil as a “regional leader and a global partner”: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) recognizes that the United States and  
3       Brazil have arrived at the point of a strategic con-  
4       fluence of interests and urges President George W.  
5       Bush to continue to deepen the bilateral relationship  
6       between the two countries;

1           (2) recognizes Brazil's role as a leader in the  
2     Western Hemisphere and commends its leadership of  
3     the United Nations Stabilization Mission  
4     (MINUSTAH) in Haiti;

5           (3) commends Brazil for successfully diversi-  
6     fying its energy resources and reducing its depend-  
7     ence on oil;

8           (4) recognizes that the United States has ar-  
9     rived at the point of a strategic confluence of inter-  
10    ests with Brazil and welcomes continued develop-  
11    ment in the bilateral relationship between the two  
12    countries;

13          (5) strongly supports the March 9, 2007,  
14    United States-Brazil Memorandum of Under-  
15    standing (MOU) on biofuels as a major step forward  
16    in bilateral relations, hemispheric integration, and  
17    energy diversification;

18          (6) commends joint efforts by the United States  
19    and Brazil for their commitment to use expertise to  
20    provide technical assistance for biofuels industries in  
21    third countries, currently including the Dominican  
22    Republic, El Salvador, Haiti, and St. Kitts and  
23    Nevis; and

24          (7) encourages United States and Brazilian of-  
25    ficials to quickly identify additional countries in the

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5

- 1 Western Hemisphere to receive technical assistance
- 2 related to biofuels.

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## [Committee Print]

SEPTEMBER 25, 2007

**[Showing the Amendment Adopted by the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs on September 19, 2007]**

110TH CONGRESS  
1ST SESSION

# H. RES. 651

Recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, commending Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs, and recognizing the importance of the March 9, 2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels cooperation.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2007

Mr. ENGEL (for himself and Mr. BURTON of Indiana) submitted the following resolution; which was referred to the Committee on Foreign Affairs

[Strike all after the resolving clause and insert the part printed in roman]

[For the text of the introduced resolution, see copy of the resolution as introduced on September 17, 2007]

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# RESOLUTION

Recognizing the warm friendship and expanding strategic relationship between the United States and Brazil, commending Brazil on successfully reducing its dependence on oil by finding alternative ways to satisfy its energy needs, and recognizing the importance of the March 9,

2007, United States-Brazil Memorandum of Understanding (MOU) on biofuels cooperation.

Whereas following the oil shock of the early 1970s, Brazil chose to reduce its energy vulnerability by choosing sugar-based ethanol to diversify its energy sector and power its automobiles;

Whereas with large private and public investments and support from the World Bank, Brazil greatly expanded the amount of sugarcane it produced and began large-scale construction of alcohol distilleries to process sugar into ethanol;

Whereas decades of state investment have helped Brazil become the world's largest consumer and producer of ethanol from sugar cane;

Whereas ethanol supplies 40 percent of the motor fuel used in Brazil and is extremely competitive with gasoline;

Whereas the transition towards biofuels will have a positive impact on the environment and will help reduce greenhouse gases;

Whereas by the end of 2006, 80 percent of new car sales in Brazil were flex-fuel, meaning that they can run on ethanol, gasoline, or any mixture of both;

Whereas Brazil stands out as the leading example of a country that has diversified its energy supply and become a net exporter of energy, in large part by increasing its use and production of alternative energy sources, including ethanol;

Whereas putting the United States on a path toward ending its addiction to oil, as Brazil has done, by investing in clean alternative energy sources is essential in protecting

United States national security, the environment, and the stability of the United States economy;

Whereas, on March 9, 2007, the United States and Brazil—the world’s two largest ethanol producing countries—signed a Memorandum of Understanding (MOU) to promote greater cooperation on ethanol and biofuels in the Western Hemisphere;

Whereas the United States-Brazil MOU involves technology-sharing between the United States and Brazil, feasibility studies and technical assistance to build domestic biofuels industries in third countries, and multilateral efforts to advance the global development of biofuels;

Whereas the first countries targeted for United States-Brazilian technical assistance are the Dominican Republic, El Salvador, Haiti, and St. Kitts and Nevis;

Whereas United States President George W. Bush and Brazilian President Luiz Inacio “Lula” da Silva have met twice in 2007 as visible examples of the expanding warm relations and close ties between the United States and Brazil;

Whereas the United States and Brazil are the two largest and most diverse democracies in the Western Hemisphere;

Whereas Brazil—through its leadership of the United Nations Stabilization Mission (MINUSTAH) in Haiti and other achievements—has emerged as a regional leader in the Western Hemisphere; and

Whereas Secretary of State Condoleezza Rice has said that the United States looks to Brazil as a “regional leader and a global partner”: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

1           (1) recognizes that the United States and  
2       Brazil have arrived at the point of a strategic con-  
3       fluence of interests and urges President George W.  
4       Bush to continue to deepen the bilateral relationship  
5       between the two countries;

6           (2) recognizes Brazil's role as a leader in the  
7       Western Hemisphere and commends its leadership of  
8       the United Nations Stabilization Mission  
9       (MINUSTAH) in Haiti;

10          (3) commends Brazil for successfully diversi-  
11       fying its energy resources and reducing its depend-  
12       ence on oil;

13          (4) strongly supports the March 9, 2007,  
14       United States-Brazil Memorandum of Under-  
15       standing (MOU) on biofuels as a major step forward  
16       in bilateral relations, hemispheric integration, and  
17       energy diversification;

18          (5) commends joint efforts by the United States  
19       and Brazil for their commitment to use expertise to  
20       provide technical assistance for biofuels industries in  
21       third countries, currently including the Dominican  
22       Republic, El Salvador, Haiti, and St. Kitts and  
23       Nevis; and

24          (6) encourages United States and Brazilian of-  
25       ficials to quickly identify additional countries in the

- 1 Western Hemisphere to receive technical assistance
- 2 related to biofuels.

110TH CONGRESS  
1ST SESSION

## H. CON. RES. 200

Expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi.

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### IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2007

Mr. KING of New York (for himself and Mr. LANTOS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## CONCURRENT RESOLUTION

Expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi.

Whereas in 1990 the State Peace and Development Council (SPDC), a military junta in Burma, nullified the victory of the National League for Democracy (NLD);

Whereas NLD leader Daw Aung San Suu Kyi was not allowed to assume the office of Prime Minister and was subsequently placed under house arrest;

Whereas Daw Aung San Suu Kyi was released in July 1995, yet once again placed under house arrest in September 2000;

Whereas following a second release, Daw Aung San Suu Kyi and several of her followers were attacked by a govern-

ment-sponsored mob on May 6, 2002, and she was then imprisoned at Insein Prison in Yangon;

Whereas on May 16, 2007, more than 50 world leaders released a letter demanding the release of Daw Aung San Suu Kyi, a demand repeated by United Nations Secretary-General Ban Ki-moon, 14 United Nations human rights experts, the European Union, the United States, the Association of Southeast Asian Nations (ASEAN), and the foreign ministers of three ASEAN member states, yet on May 27 her detention was extended;

Whereas for her non-violent struggle for democracy and human rights, Daw Aung San Suu Kyi received the Nobel Peace Prize in 1991;

Whereas the ruling military junta in Burma continues to violate the human rights of Burmese citizens, including the systematic use of rape as a weapon of war and extrajudicial killings;

Whereas the armed forces in Burma have been accused of large-scale trafficking in heroin and methamphetamines;

Whereas the Burmese Government has destroyed more than 3,000 villages, displaced approximately 2 million Burmese people, and arrested approximately 1,300 individuals for expressing critical opinions;

Whereas Burma's main broadcasters and publications are state controlled and the media does not report opposing views except to criticize them;

Whereas on September 30, 2006, the United Nations Security Council officially included Burma on its agenda for the first time;

Whereas the International Committee of the Red Cross (ICRC) denounced the ruling military regime of Burma

on June 22, 2007, citing the use of detainees as porters for the armed forces and the systematic abuse and murder of both detainees and civilians;

Whereas the last time the ICRC publicly denounced egregious, ongoing, and systemic human rights abuses was in 1994 when the ICRC addressed genocide in Rwanda; and

Whereas the ICRC stated that civilians, especially those residing near the Thai-Burma border, have been subjected to abuse such as destruction of their food supply and forced unpaid manual labor: Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring), That—*

3           (1) it is the sense of Congress that United  
4 States policy should continue to call upon—

5           (A) the military regime in Burma—

6           (i) to immediately and unconditionally  
7 release Daw Aung San Suu Kyi and other  
8 detained political prisoners and prisoners  
9 of conscience;

10          (ii) to immediately cease attacks  
11 against ethnic minority civilians; and

12          (iii) to immediately begin a meaning-  
13 ful process of tripartite dialogue with Daw  
14 Aung San Suu Kyi, the NLD, and Bur-  
15 ma's ethnic nationalities; and

16          (B) the People's Republic of China and  
17 other countries that provide political and eco-

1            nomic support to Burma's military junta to uti-  
 2            lize their position and influence to—

3                    (i) urge Burma's military generals to  
 4                    immediately release Daw Aung San Suu  
 5                    Kyi and all political prisoners; and

6                    (ii) end their attacks on ethnic minor-  
 7                    ity civilians and begin a meaningful proc-  
 8                    ess of genuine national reconciliation with  
 9                    Daw Aung San Suu Kyi, the NLD, and  
 10                    Burma's ethnic nationalities;

11            (2) Congress urges the United Nations Security  
 12            Council to immediately consider and take appro-  
 13            priate action to respond to the growing threat the  
 14            SPDC poses in Burma;

15            (3) Congress expresses support for the restora-  
 16            tion of democracy in Burma; and

17            (4) Congress expresses the need for freedom of  
 18            assembly, freedom of movement, freedom of speech,  
 19            and freedom of the press to be guaranteed for all  
 20            Burmese citizens.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. CON. RES. 200  
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas in 1990, the State Law and Order Restoration Council (SLORC), the military junta in Burma, which renamed itself the State Peace and Development Council (SPDC) in 1997, nullified the victory of the National League for Democracy (NLD);

Whereas NLD leader Daw Aung San Suu Kyi was not allowed to assume the office of Prime Minister and was subsequently placed under house arrest;

Whereas Daw Aung San Suu Kyi was released in July 1995, yet once again placed under house arrest in September 2000;

Whereas following a second release, Daw Aung San Suu Kyi and several of her followers were attacked by a government-sponsored mob on May 30, 2003, and she was then imprisoned at Insein Prison in Yangon;

Whereas on May 16, 2007, more than 50 world leaders released a letter demanding the release of Daw Aung San Suu Kyi, a demand repeated by United Nations Secretary-General Ban Ki-moon, 14 United Nations human rights experts, the European Union, the United States, the Association of Southeast Asian Nations (ASEAN), and the foreign ministers of three ASEAN member states, yet on May 27 her detention was extended;

Whereas for her non-violent struggle for democracy and human rights, Daw Aung San Suu Kyi received the Nobel Peace Prize in 1991;

Whereas the ruling military junta in Burma continues to violate the human rights of Burmese citizens, including the systematic use of rape as a weapon of war and extrajudicial killings;

Whereas the armed forces in Burma have been accused of large-scale trafficking in heroin and methamphetamines;

Whereas the Burmese regime has destroyed more than 3,000 villages, displaced approximately 2,000,000 Burmese people, and arrested approximately 1,300 individuals for expressing critical opinions;

Whereas Burma's main broadcasters and publications are state controlled and the media does not report opposing views except to criticize them;

Whereas on September 30, 2006, the United Nations Security Council officially included Burma on its agenda for the first time;

Whereas the International Committee of the Red Cross (ICRC) denounced the ruling military regime of Burma on June 22, 2007, citing the use of detainees as porters for the armed forces and the systematic abuse and murder of both detainees and civilians;

Whereas the last time the ICRC publicly denounced egregious, ongoing, and systemic human rights abuses was in 1994 when the ICRC addressed genocide in Rwanda;

Whereas the ICRC stated that civilians, especially those residing near the Thai-Burma border, have been subjected to abuse such as destruction of their food supply and forced unpaid manual labor;

Whereas beginning on August 21, 2007, and continuing until today, the Burmese regime began a brutal crackdown on nonviolent protesters which included beating, imprisoning, and torturing more than 200 human rights and democracy activists;

Whereas several of these imprisoned human rights and democracy activists are hospitalized from the injuries sustained from the severe torture to which they have been subjected;

Whereas no one, including the ICRC, has had access to any of the imprisoned protesters or any other political prisoners in Burma;

Whereas the Burmese regime has disrobed, imprisoned, and tortured monks;

Whereas the All Burma Monks' Alliance has called for a boycott of the SPDC and the military junta-sponsored Union Solidarity and Development Association and their family members until they agree to a meaningful political dialogue toward national reconciliation; and

Whereas the All Burma Monks' Alliance and the NLD have asked all the people of Burma to join them in a peaceful national strike calling for reducing all basic commodity prices, releasing all detainees, including Daw Aung San Suu Kyi, and engaging in a meaningful political dialogue:  
Now, therefore, be it

Strike all after the resolving clause and insert the following:

That—

1           (1) it is the sense of Congress that United  
2 States policy should continue to call upon—

3           (A) the military regime in Burma—

4               (i) to immediately and unconditionally  
5 release Daw Aung San Suu Kyi and other  
6 detained political prisoners and prisoners  
7 of conscience;

8               (ii) to immediately cease attacks  
9 against ethnic minority civilians; and

10              (iii) to immediately begin a meaning-  
11 ful process of tripartite dialogue with Daw  
12 Aung San Suu Kyi, the NLD, and Bur-  
13 ma's ethnic nationalities; and

14           (B) the People's Republic of China and  
15 other countries that provide political and eco-  
16 nomic support to Burma's military junta to  
17 modify their policy on Burma and utilize their  
18 position and influence to—

19               (i) urge Burma's military generals to  
20 immediately release Daw Aung San Suu  
21 Kyi and all political prisoners and pris-  
22 oners of conscience; and

23               (ii) end their attacks on ethnic minor-  
24 ity civilians and begin a meaningful proc-  
25 ess of genuine national reconciliation with

1 Daw Aung San Suu Kyi, the NLD, and  
2 Burma's ethnic nationalities;

3 (2) Congress urges the United Nations Security  
4 Council to immediately consider and take appropriate  
5 action to respond to the growing threat the  
6 SPDC poses in Burma and continue to discuss the  
7 situation in Burma and necessary action every  
8 month until there is a meaningful process of tri-  
9 partite dialogue with Daw Aung San Suu Kyi, the  
10 NLD, and Burma's ethnic nationalities and the re-  
11 gime toward national reconciliation;

12 (3) Congress underscores its expectation that  
13 Burmese Government officials who order or partici-  
14 pate in violent crackdowns on peaceful demonstra-  
15 tors will face justice for any crimes they commit;

16 (4) Congress expresses support for the restora-  
17 tion of democracy in Burma; and

18 (5) Congress expresses the need for freedom of  
19 assembly, freedom of movement, freedom of speech,  
20 and freedom of the press to be guaranteed for all  
21 Burmese citizens.

Amend the title so as to read: “A concurrent resolution expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi and the severely deteriorating human rights situation in Burma.”.

110TH CONGRESS  
1ST SESSION

# H. CON. RES. 203

Condemning the persecution of labor rights advocates in Iran.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2007

Mr. KIRK (for himself and Mr. ANDREWS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## CONCURRENT RESOLUTION

Condemning the persecution of labor rights advocates in Iran.

Whereas, on April 9, 2007, Iranian agents arrested and imprisoned Mahmoud Salehi, founder of the Saghez Bakery Workers Association;

Whereas Salehi's life is in grave danger as he sits in the Sanandaj prisons without access to kidney dialysis treatment;

Whereas, on July 10, 2007, plainclothes Iranian agents severely beat and arrested Mansour Osanloo, president of the Syndicate of Workers of Tehran and Suburbs (Vahed);

Whereas Osanloo now sits in Iran's notorious Evin prison with a chronic heart condition and a serious eye condition that requires immediate surgery;

Whereas Osanloo has no access to medical or legal assistance and no contact with his family;

Whereas, on August 9, 2007, Teamsters General President James P. Hoffa called on Iran to immediately release Osanloo and Salehi;

Whereas, on August 9, 2007, the International Trade Union Confederation, together with the International Transport Workers' Federation, staged an international day of action to free Osanloo and Salehi;

Whereas Iran is a member of the International Labor Organization (ILO) and is legally bound to respect ILO core principles, including freedom of association;

Whereas Freedom House reported in 2006 that "Iranian law does not allow independent labor unions to exist"; and

Whereas the United States remains the leading voice in the world for international workers' rights and labor standards: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2   *concurring)*, That Congress—

3            (1) condemns the Government of Iran for the  
4   arrest and imprisonment of Iranian union leaders  
5   Mahmoud Salehi and Mansour Osanloo and de-  
6   mands their immediate release; and

7            (2) expresses its solidarity with the workers of  
8   Iran and stands with them in their effort to bring  
9   political freedom and individual liberty to Iran.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. CON. RES. 203  
OFFERED BY MR. LANTOS OF CALIFORNIA AND  
MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

Whereas Iran is a member of the International Labor Organization (ILO) and is legally bound to respect ILO core principles, including freedom of association;

Whereas Iran, in violation of ILO principles, refuses to recognize independent labor unions;

Whereas, on April 9, 2007, Iranian agents arrested and imprisoned Mahmoud Salehi, founder of the Saghez Bakery Workers Association, a labor union that is independent and therefore not recognized under Iranian law;

Whereas Salehi's life is in grave danger as he sits in the Sanandaj prisons without access to kidney dialysis treatment;

Whereas, on July 10, 2007, plainclothes Iranian agents severely beat and arrested Mansour Osanloo, president of the Syndicate of Bus Drivers of the Tehran and Suburbs Bus Company, another labor union that is independent and therefore not recognized under Iranian law;

Whereas this arrest was the third time in less than two years that Syndicate president Osanloo has been arrested by Iranian agents;

Whereas Osanloo now sits in Iran's notorious Evin prison with a chronic heart condition and a serious eye condition that requires immediate surgery;

Whereas Osanloo has no access to medical or legal assistance and no contact with his family; and

Whereas, on August 9, 2007, the International Transport Workers' Federation, together with the International Trade Union Confederation, staged an international "day of action" to free Osanloo and Salehi: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That Congress—

- 1           (1) condemns the Iranian regime for the arrest
- 2       and imprisonment of Iranian union leaders
- 3       Mahmoud Salehi and Mansour Osanloo and de-
- 4       mands their immediate release;
- 5           (2) expresses its solidarity with the workers of
- 6       Iran and stands with them, and with all Iranians, in
- 7       their efforts to bring political freedom and individual
- 8       liberty to Iran; and
- 9           (3) calls on the Iranian regime to respect the
- 10      right of Iranian workers to form independent asso-
- 11      ciations and unions, as required by its membership
- 12      in the ILO.

Chairman LANTOS. I would like at this moment to acknowledge the family members of the Nairobi bombing victims who are with us today who have advocated tirelessly on behalf of the families and Foreign Service officers generally.

We are deeply in your debt for your dedicated service. We are sharing in your grief, in your sorrow and tragedy, and we want to commend you. Would you please stand?

[Applause.]

Chairman LANTOS. The chair recognizes Mr. Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Let me just say that I, too, want to join in your very heartfelt condolences to those who survived the horrific blasts in Dar es Salaam and in Kenya.

I would remind my colleagues that as a direct result of those blasts, as you well remember because you and I worked so very hard on it, we enacted the Embassy Security Act. This legislation significantly beefed up the amount of money for hardening and providing setbacks, providing more diplomatic security personnel and a whole host of other upgrades to our Embassies and missions abroad, not just to protect our own Foreign Service personnel, and that certainly is a significant priority, but also to protect and to provide additional safeguards to the local population so that our Embassies and missions abroad would not become targets for Jihadists and transnational terrorists.

I will never forget that when Admiral Crowe testified here he made it very clear that we needed to do much more, and the Crowe Commission was very significant in its recommendations to us. Real reform came out of that, and I think that that was a turning point.

I remember when the Assistant Secretary for Diplomatic Security testified and told us that it was the turning point when we realized that transnational terrorists could hit any potentially vulnerable target anywhere. It didn't have to be in close proximity to them.

I also want to thank you, Mr. Chairman, for introducing the amendment to H.R. 2828 which amends the Foreign Service Act to increase the amount of payment made to surviving dependents of Foreign Service employees who die as a result of injuries sustained while they are serving abroad. As you know, Mr. Chairman, this provision is included in two bills, H.R. 3202 and 3203, that I have introduced to address the Foreign Service compensation locality pay discrepancy.

I hope the inclusion of your amendment will allow this particular provision to finally move forward and provide the increased compensation that we all hope will never be needed, but which will provide greater peace of mind to our Foreign Service men and women courageously serving in dangerous postings overseas.

I support the amendment, and I am grateful for your leadership on it.

Chairman LANTOS. Thank you very much.

Does any other colleague want to talk on this issue?

Mr. PAYNE. Mr. Chairman?

Chairman LANTOS. Yes, Mr. Payne?

Mr. PAYNE. Thank you very much. I, too, would like to express my appreciation for moving this forward. It has been an issue that we have dealt with for many, many years. I know the families, some of the families, in particular the Barkneys.

I was in that Embassy just 1 week before the tragedy struck and so I would like to once again express our appreciation to the family, their loss. Our hearts are still heavy, and I appreciate you moving this forward.

Thank you very much.

Chairman LANTOS. Thank you, Mr. Payne.

Pursuant to notice, I call up the bill, H.R. 2003, the Ethiopia Democracy and Accountability Act of 2007, for purposes of markup and move that the chairman be authorized to seek the consideration of H.R. 2003 by the House under suspension of the rules.

Without objection, the amendment in the nature of a substitute before the members will be considered as the base text for purposes of amendment, will be considered as read and will be open for amendment at any point.

[The information referred to follows:]

110TH CONGRESS  
1ST SESSION

# H. R. 2003

To encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2007

Mr. PAYNE (for himself, Mr. HONDA, Mr. MORAN of Virginia, Ms. WATSON, and Mr. CLAY) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethiopia Democracy  
5 and Accountability Act of 2007”.

### 6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States to—

8 (1) support the advancement of human rights,  
9 democracy, independence of the judiciary, freedom of

1 the press, peacekeeping capacity building, and eco-  
2 nomic development in the Federal Democratic Re-  
3 public of Ethiopia;

4 (2) seek the unconditional release of all political  
5 prisoners and prisoners of conscience in Ethiopia;

6 (3) foster stability, democracy, and economic  
7 development in the region;

8 (4) collaborate with Ethiopia in the Global War  
9 on Terror; and

10 (5) strengthen United States-Ethiopian rela-  
11 tions based on the policy objectives specified in para-  
12 graphs (1) through (4).

13 **SEC. 3. FINDINGS.**

14 Congress finds the following:

15 (1) The people of Ethiopia have suffered for  
16 decades due to military conflicts, natural disasters,  
17 poverty and diseases, regional instability, and the  
18 brutal dictatorship of the military junta under  
19 Mengistu Haile Mariam. Hundreds of thousands of  
20 civilians were brutally murdered by the Mengistu re-  
21 gime, including women and children. Many more  
22 sacrificed their lives fighting for freedom, respect for  
23 human rights, and to bring an end to the brutal dic-  
24 tatorship of the Mengistu regime. Members of that

1       murderous regime are currently living in Europe, the  
2       United States, and Africa.

3               (2) In May 1991, the brutal dictatorship of the  
4       Mengistu regime came to an abrupt end when the  
5       Ethiopian People's Revolutionary Democratic Front  
6       (EPRDF) defeated the Mengistu army. In July  
7       1991, the EPRDF and a coalition of other political  
8       groups established a transitional government in  
9       Ethiopia. A number of liberation movements joined  
10      the transitional government in a spirit of a new start  
11      and the building of a democratic Ethiopia. These  
12      groups included the Oromo Liberation Front (OLF),  
13      the Ogaden National Liberation Front (ONLF), and  
14      many others.

15             (3) Since the ouster of the Mengistu regime in  
16      1991, the EPRDF-led government instituted a  
17      multiparty system and organized 3 regional and na-  
18      tional elections and a number of local elections. The  
19      1995 and 2000 elections were largely boycotted and  
20      judged to be neither free nor fair. Some opposition  
21      groups participated in the 2000 elections, giving  
22      such groups 12 seats in the 546-seat parliament.

23             (4) The May 2005 pre-election period and the  
24      conduct of the elections in Ethiopia were seen by ob-  
25      servers to be transparent, competitive, and relatively

1 free and fair, although there were a number of prob-  
2 lems reported. More than 90 percent of registered  
3 voters participated and dozens of political parties  
4 took part in the elections. Moreover, some inter-  
5 national groups observed the elections, unprece-  
6 dented access to the mass media was given to the  
7 opposition, and there were televised debates between  
8 the government and the opposition. Some political  
9 parties and armed political groups boycotted the  
10 2005 elections. However, trained local groups were  
11 barred from observing the elections.

12 (5) Despite apparent improvement in the elec-  
13 toral process, preliminary election results announced  
14 by the Government of Ethiopia shortly after the May  
15 15, 2005, elections were seen by observers as ques-  
16 tionable. The opposition accused the Government of  
17 Ethiopia of stealing the elections and called for civil  
18 disobedience, which resulted in the killing of dem-  
19 onstrators and detention of opposition leaders and  
20 thousands of their followers, including 11 elected  
21 members of parliament and the elected mayor of  
22 Addis Ababa.

23 (6) The Coalition for Unity and Democracy  
24 (CUD), the United Ethiopian Democratic Forces  
25 (UEDF), and the ruling EPRDF reached an agree-

1       ment to resolve disputed election results peacefully  
2       with the help of the National Electoral Board  
3       (NEB). The NEB investigated more than 299 com-  
4       plaints and later agreed to hold reruns in 31 con-  
5       stituencies. In late August 2005, the NEB held re-  
6       runs in the 31 constituencies as well as in all 23  
7       constituencies in the Somali region, where elections  
8       had been postponed due to insecurity.

9           (7) Election results show that opposition parties  
10       won 170 seats in the national parliament, a signifi-  
11       cant increase from the 12 seats they won in the last  
12       elections. Opposition parties also won the city coun-  
13       cil in Addis Ababa, giving them control over the cap-  
14       ital. An estimated 150 of the 170 opposition mem-  
15       bers of parliament have taken their seats. In early  
16       May 2006, the Government of Ethiopia appointed a  
17       caretaker government in the capital. Members of  
18       parliament from the CUD walked out of parliament  
19       in protest. The CUD won the city, but the des-  
20       ignated mayor has been in detention since November  
21       2005.

22           (8) Human rights conditions deteriorated sig-  
23       nificantly after the May 15, 2005, elections in Ethi-  
24       opia and overall human rights conditions in the  
25       country remain poor. The Department of State, in

1 its 2005 Country Reports on Human Rights Prac-  
2 tices, noted a myriad of human rights abuses by the  
3 Government of Ethiopia. Moreover, journalists and  
4 editors of the independent press have been and con-  
5 tinue to face harassment and prosecution for alleged  
6 violations of press laws in Ethiopia. Dozens of jour-  
7 nalists have fled the country, and some are currently  
8 in exile fearing prosecution or harassment.

9 (9) In June 2005, more than 35 demonstrators  
10 were killed by Ethiopian Government security per-  
11 sonnel and in November 2005 an estimated 53 peo-  
12 ple were killed, including 7 policemen, according to  
13 Human Rights Watch and several other reports. The  
14 violence against these victims occurred after pro-op-  
15 position groups went to the streets of the capital to  
16 protest government actions in handling the elections  
17 results of May 2005. Tens of thousands of people  
18 suspected of being opposition supporters were de-  
19 tained over the past months, although many of these  
20 detainees were released. Nonetheless, government se-  
21 curity forces continue to abuse opposition leaders,  
22 supporters, and family members.

23 (10) An estimated 112 political leaders, human  
24 rights activists, community leaders, and journalists,  
25 including the chairman of the CUD (Hailu Shawel),

1 the newly elected Mayor of Addis Ababa (Berhanu  
2 Nega), and the founder of the Ethiopian Human  
3 Rights Council (Professor Mesfin Wolde Mariam),  
4 were imprisoned and charged with treason and geno-  
5 cide. These measures were deliberately taken to sti-  
6 fle and criminalize opposition party activity in the  
7 country. The measures also were intended to intimi-  
8 date and silence independent press and civil society,  
9 raising serious question about the Ethiopian Govern-  
10 ment's commitment to democracy and good govern-  
11 ance.

12 (11) According to Department of State's 2006  
13 Country Reports on Human Rights Practices,  
14 "human rights abuses [in Ethiopia] reported during  
15 the year included: limitation on citizens' right to  
16 change their government during the most recent  
17 elections; unlawful killings, and beating, abuse, and  
18 mistreatment of detainees and opposition supporters  
19 by security forces; poor prison conditions; arbitrary  
20 arrest and detention . . .".

21 (12) Whereas the Ethiopian Parliament estab-  
22 lished an 11-member Commission of Inquiry to "in-  
23 vestigate the disorder and report to the House of  
24 People's Representatives in order to take the nec-  
25 essary measure". The Commission was tasked to in-

1     investigate whether government security forces used  
2     excessive force, caused damage to life and property,  
3     or showed a lack of respect for human rights. The  
4     Commission was mandated to investigate the June  
5     8, 2005, and November 1–10, 2005, violence in dif-  
6     ferent parts of the country.

7           (13) Whereas members of the Commission of  
8     Inquiry visited several regions, reviewed police re-  
9     ports, met with prisoners and government officials,  
10    made 122 radio and TV announcements to the pub-  
11    lic, examined 16,990 documents, and took testi-  
12    monies from 1,300 people.

13          (14) Whereas the Commission of Inquiry con-  
14    cluded that 763 civilians were injured and 193  
15    killed. The Commission also reported that 71 police  
16    officers were injured and 6 killed. Damage to prop-  
17    erty was estimated at \$512,588. The Commission  
18    also reported that more than 30,000 civilians were  
19    detained, some were tortured, and prisoners in Kaliti  
20    were killed.

21          (15) Whereas the Commission of Inquiry re-  
22    ported that security forces fired 1,500 bullets at  
23    prisoners, killing 17 and injuring 53. The Commis-  
24    sion stated that civilians did not use weapons and  
25    reported bank robberies by demonstrators did not

1 take place. The Commission's deliberations were  
2 video-taped and votes were taken on key findings on  
3 July 3, 2006.

4 (16) Whereas shortly after the Commission of  
5 Inquiry reached its decision, the Ethiopian Govern-  
6 ment reportedly began to put pressure on Commis-  
7 sion members to change their report. The Chairman  
8 of the Commission, a former Supreme Court Presi-  
9 dent of the Southern Region of Ethiopia, was told  
10 by a senior advisor of Prime Minister Meles Zenawi  
11 to call for an emergency meeting of the Commission  
12 in order to change the Commission's report.

13 (17) Whereas the Commission of Inquiry was  
14 scheduled to give its report to the Ethiopian Par-  
15 liament on July 7, 2006, but the Parliament was ad-  
16 journed a day early. Several Commission members,  
17 including the Chairman and the Deputy Chair, left  
18 the country with the final report, other documents  
19 relevant to the investigation, and several video tapes  
20 of the Commission deliberations.

21 (18) Whereas in November 2006, the Chairman  
22 of the Commission of Inquiry and another Commis-  
23 sion member presented the Commission's report and  
24 briefed Members of the United State Congress.

1           (19) Whereas in November 2006, at a congressional briefing with members of the Commission of Inquiry, a young women named Alemzuria submitted her testimony about what happened to her mother, Etenesh Yemam. Alemzuria's father was elected in May 2005 as Council Member of in Addis Ababa. Subsequently security personnel came to arrest him at his home and then shot Etenesh Yemam as she pleaded for her husband's release.

10           (20) Whereas the Commission of Inquiry investigated the killing of Etenesh Yemam and confirmed beyond doubt what happened on that dreadful day. Etenesh Yemam's husband still languishes in prison while Alemzuria remains a refugee in another African country.

16 **SEC. 4. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

17       The Secretary of State shall—

18           (1) establish a mechanism to provide financial support to local and national human rights groups and other relevant civil society organizations to help strengthen human rights monitoring and regular reporting on human rights conditions in Ethiopia;

23           (2) establish a victims support network to provide legal support for political prisoners and prisoners of conscience and to assist local groups or

1 groups from outside Ethiopia that are active in mon-  
2 itoring the status of political prisoners and prisoners  
3 of conscience in Ethiopia;

4 (3) seek to increase the independence of the  
5 Ethiopian judiciary through facilitation of joint dis-  
6 cussions for court personnel, officials from the Ethi-  
7 opian Ministry of Justice, relevant members of the  
8 legislature, and civil society representatives on inter-  
9 national human rights standards;

10 (4) create and support a judicial monitoring  
11 process, consisting of local and international groups,  
12 to monitor judicial proceedings throughout Ethiopia,  
13 with special focus on unwarranted government inter-  
14 vention on strictly judicial matters, and to inves-  
15 tigate and report on actions to strengthen an inde-  
16 pendent judiciary;

17 (5) establish a program to strengthen private  
18 media in Ethiopia, provide support for training pur-  
19 poses, offer technical and other types of support as  
20 necessary, and expand programming by the Voice of  
21 America to Ethiopia; and

22 (6) establish a mechanism to identify and extra-  
23 dicate members of the Mengistu Haile Mariam regime  
24 and the current government residing in the United  
25 States who were engaged in gross human rights vio-

1       lations and work with other governments to identify  
2       and extradite such persons, including Mengistu  
3       Haile Mariam.

4   **SEC. 5. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

5       (a) STRENGTHENING LOCAL, REGIONAL, AND NA-  
6       TIONAL DEMOCRATIC PROCESSES.—The Secretary of  
7       State shall—

8               (1) provide assistance to strengthen local, re-  
9       gional, and national parliaments and governments in  
10      Ethiopia through training in consultation with gov-  
11      ernment authorities, political parties, and civil soci-  
12      ety groups;

13              (2) establish a program focused on reconcili-  
14      ation efforts between the Government of Ethiopia  
15      and peaceful political and civil society groups, in-  
16      cluding in minority communities, in preparation for  
17      negotiation and for participation in the political  
18      process;

19              (3) strengthen training for political parties in  
20      Ethiopia in areas such as organization building and  
21      campaign management; and

22              (4) provide training for civil society groups in  
23      election monitoring in Ethiopia.

24      (b) DEMOCRACY ENHANCEMENT.—

1           (1) ASSISTANCE.—United States technical as-  
2           sistance for democracy promotion in Ethiopia should  
3           be made available to the ruling party as well as op-  
4           position parties in Ethiopia.

5           (2) RESTRICTION.—

6           (A) IN GENERAL.—Nonessential United  
7           States assistance shall not be made available to  
8           the Government of Ethiopia if the Government  
9           of Ethiopia acts to obstruct United States tech-  
10          nical assistance to advance human rights, de-  
11          mocracy, independence of the judiciary, freedom  
12          of the press, economic development and eco-  
13          nomic freedom in Ethiopia.

14          (B) DEFINITION.—In this paragraph, the  
15          term “nonessential United States assistance”  
16          means assistance under any provision of law,  
17          other than humanitarian assistance, assistance  
18          under emergency food programs, assistance to  
19          combat HIV/AIDS, and other health care as-  
20          sistance.

21 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**  
22 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**  
23 **VELOPMENT IN ETHIOPIA.**

24          (a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL  
25 RESTRICTIONS.—

1 (1) LIMITATION ON SECURITY ASSISTANCE.—

2 (A) IN GENERAL.—Except as provided in  
3 subparagraph (B), security assistance shall not  
4 be provided to Ethiopia until such time as the  
5 certification described in paragraph (3) is made  
6 in accordance with such paragraph.

7 (B) EXCEPTION.—Subparagraph (A) shall  
8 not apply with respect to peacekeeping or  
9 counter-terrorism assistance. Peacekeeping or  
10 counter-terrorism assistance provided to Ethi-  
11 opia shall not be used for any other security-re-  
12 lated purpose or to provide training to security  
13 personnel or units accused of human rights vio-  
14 lations against civilians.

15 (2) TRAVEL RESTRICTIONS.—Beginning on the  
16 date that is 60 days after the date of the enactment  
17 of this Act and until such time as the certification  
18 described in paragraph (3) is made in accordance  
19 with such paragraph, the President shall deny a visa  
20 and entry into the United States to—

21 (A) any official of the Government of Ethi-  
22 opia who—

23 (i) has been involved in giving orders  
24 to use lethal force against peaceful dem-  
25 onstrators in Ethiopia; or

1 (ii) has been accused of gross human  
2 rights violations;

3 (B) security personnel of the Government  
4 of Ethiopia who were involved in the June or  
5 November 2005 shootings of demonstrators;

6 (C) security personnel responsible for mur-  
7 dering Etenesh Yemam, as described in para-  
8 graphs (20) and (21) of section 3; and

9 (D) security personnel responsible for mur-  
10 dering prisoners at Kaliti prison in the after-  
11 math of the election violence.

12 (3) CERTIFICATION.—The certification de-  
13 scribed in this paragraph is a certification by the  
14 President to Congress that the Government of Ethi-  
15 opia is making credible, quantifiable efforts to en-  
16 sure that—

17 (A) all political prisoners and prisoners of  
18 conscience in Ethiopia have been released, their  
19 civil and political rights restored, and their  
20 property returned;

21 (B) prisoners held without charge or kept  
22 in detention without fair trial in violation of the  
23 Constitution of Ethiopia are released or receive  
24 a fair and speedy trial, and prisoners whose

1 charges have been dismissed or acquitted and  
2 are still being held are released without delay;

3 (C) the Ethiopian judiciary is able to func-  
4 tion independently and allowed to uphold the  
5 Ethiopian Constitution and international  
6 human rights standards;

7 (D) security personnel involved in the un-  
8 lawful killings of demonstrators, Etenesh  
9 Yemam, and Kaliti prisoners are punished;

10 (E) family members, legal counsel, and  
11 others have unfettered access to visit detainees  
12 in Ethiopian prisons;

13 (F) print and broadcast media in Ethiopia  
14 are able to operate free from undue interference  
15 and laws restricting media freedom, including  
16 sections of the Ethiopian Federal Criminal  
17 Code, are revised;

18 (G) licensing of independent radio and tel-  
19 evision in Ethiopia is open and transparent;

20 (H) access in Ethiopia is provided to the  
21 Internet and the ability of citizens to freely  
22 send and receive electronic mail and otherwise  
23 obtain information is guaranteed;

24 (I) the National Election Board (NEB) in-  
25 cludes representatives of political parties with

1 seats in the Ethiopian Parliament and guaran-  
2 tees independence for the NEB in its decision-  
3 making;

4 (J) representatives of international human  
5 rights organizations engaged in human rights  
6 monitoring work in Ethiopia are admitted to  
7 Ethiopia without undue restriction; and

8 (K) Ethiopian human rights organizations  
9 are able to operate in an environment free of  
10 harassment, intimidation, and persecution.

11 (4) WAIVER.—

12 (A) IN GENERAL.—The President may  
13 waive the application of paragraph (1) or (2) on  
14 a case-by-case basis if the President determines  
15 that—

16 (i) the Government of Ethiopia has  
17 met the requirements of paragraph (3);  
18 and

19 (ii) such a waiver is in the national in-  
20 terests of the United States.

21 (B) NOTIFICATION.—Prior to granting a  
22 waiver under the authority of subparagraph  
23 (A), the President shall transmit to Congress a  
24 notification that includes the reasons for the  
25 waiver.

1 (b) TREATMENT OF POLITICAL PRISONERS AND  
2 PRISONERS OF CONSCIENCE.—

3 (1) IN GENERAL.—The President, the Secretary  
4 of State, and other relevant officials of the Govern-  
5 ment of the United States shall call upon the Gov-  
6 ernment of Ethiopia to immediately release all polit-  
7 ical prisoners and prisoners of conscience, especially  
8 prisoners held without charge.

9 (2) TORTURE VICTIM RELIEF.—While it is the  
10 responsibility of the Government of Ethiopia to com-  
11 pensate the victims of unlawful imprisonment and  
12 torture and their families for their suffering and  
13 losses, the President shall provide assistance for the  
14 rehabilitation of victims of torture in Ethiopia at  
15 centers established for such purposes pursuant to  
16 section 130 of the Foreign Assistance Act of 1961  
17 (22 U.S.C. 2152).

18 (c) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that the Government of the United States should—

20 (1) encourage the Government of Ethiopia to  
21 enter into discussions with peaceful political groups  
22 in order to bring such groups into full participation  
23 in the political and economic affairs of Ethiopia, in-  
24 cluding their legalization as a political party; and

1           (2) provide such assistance as is warranted and  
2       necessary to help achieve the goal described in para-  
3       graph (1).

4 **SEC. 7. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**  
5 **OPIA.**

6       (a) **RESOURCE POLICY ASSISTANCE.**—The President,  
7 acting through the Administrator of the United States  
8 Agency for International Development, shall provide as-  
9 sistance for sustainable development of Ethiopia’s Nile  
10 and Awash River resources, including assistance to help  
11 Ethiopia with the technology necessary for the construc-  
12 tion of irrigation systems and hydroelectric power that  
13 might prevent future famine.

14       (b) **HEALTH CARE ASSISTANCE.**—The President,  
15 acting through the Administrator of the United States  
16 Agency for International Development, shall provide mate-  
17 rial support to hospitals and health care centers in Ethi-  
18 opia, especially hospitals and health care centers in rural  
19 areas.

20 **SEC. 8. REPORT.**

21       Not later than 180 days after the date of the enact-  
22 ment of this Act, the President shall transmit to Congress  
23 a report on the implementation of this Act, including a  
24 description of a comprehensive plan to address the secu-  
25 rity, human rights, democratization, and economic free-

1 dom concerns that potentially threaten the stability of the  
2 Federal Democratic Republic of Ethiopia .

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-  
5 priated to carry out this Act \$20,000,000 for each of the  
6 fiscal years 2008 and 2009.

7 (b) AVAILABILITY.—Amounts appropriated pursuant  
8 to the authorization of appropriations under subsection (a)  
9 are authorized to remain available until expended.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2003  
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ethiopia Democracy  
3 and Accountability Act of 2007”.

**4 SEC. 2. STATEMENT OF POLICY.**

5 It is the policy of the United States to—

6 (1) support the advancement of human rights,  
7 democracy, independence of the judiciary, freedom of  
8 the press, peacekeeping capacity building, and eco-  
9 nomic development in the Federal Democratic Re-  
10 public of Ethiopia;

11 (2) seek the unconditional release of all political  
12 prisoners and prisoners of conscience in Ethiopia;

13 (3) foster stability, democracy, and economic  
14 development in the region;

15 (4) support humanitarian assistance efforts, es-  
16 pecially in the Ogaden region;

17 (5) collaborate with Ethiopia in the Global War  
18 on Terror; and

1           (6) strengthen United States-Ethiopian rela-  
2       tions based on the policy objectives specified in para-  
3       graphs (1) through (5).

4       **SEC. 3. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

5       The Secretary of State shall—

6           (1) provide financial support to local and na-  
7       tional human rights groups and other relevant civil  
8       society organizations to help strengthen human  
9       rights monitoring and regular reporting on human  
10      rights conditions in Ethiopia;

11          (2) provide legal support, as needed, for polit-  
12      ical prisoners and prisoners of conscience in Ethi-  
13      opia and assist local, national, and international  
14      groups that are active in monitoring the status of  
15      political prisoners and prisoners of conscience in  
16      Ethiopia;

17          (3) seek to promote and bolster the independ-  
18      ence of the Ethiopian judiciary through—

19              (A) facilitation of joint discussions between  
20      court personnel, officials from the Ethiopian  
21      Ministry of Justice, relevant members of the  
22      legislature, and civil society representatives on  
23      international human rights standards; and

24              (B) encouraging exchanges between Ethio-  
25      pian and United States jurists, law schools, law

- 1 professors, and law students, especially in legal  
2 fields such as constitutional law, role of the ju-  
3 diciary, due process, political and voting rights,  
4 criminal law and procedure, and discrimination;  
5 (4) establish a program, in consultation with  
6 Ethiopian civil society, to provide for a judicial mon-  
7 itoring process, consisting of indigenous organiza-  
8 tions, international organizations, or both, to mon-  
9 itor judicial proceedings throughout Ethiopia, with  
10 special focus on unwarranted government interven-  
11 tion on matters that are strictly judicial in nature,  
12 and to report on actions needed to strengthen an  
13 independent judiciary;  
14 (5) establish a program, in consultation with  
15 Ethiopian civil society, and provide support to other  
16 programs, to strengthen independent media in Ethi-  
17 opia, including training, and technical support;  
18 (6) expand the Voice of America's Ethiopia pro-  
19 gram;  
20 (7) support efforts of the international commu-  
21 nity to gain full and unfettered access to the Ogaden  
22 region for—  
23 (A) humanitarian assistance organizations;  
24 and  
25 (B) independent human rights experts; and

1 (8) work with appropriate departments and  
2 agencies of the Government of the United States  
3 and appropriate officials of foreign governments—

4 (A) to identify members of the Mengistu  
5 Haile Mariam regime and officials of the cur-  
6 rent Government of Ethiopia who were engaged  
7 in gross human rights violations, including  
8 those individuals who may be residing in the  
9 United States; and

10 (B) to support and encourage the prosecu-  
11 tion of individuals identified under subpara-  
12 graph (A) in the United States or Ethiopia.

13 **SEC. 4. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

14 (a) **STRENGTHENING LOCAL, REGIONAL, AND NA-**  
15 **TIONAL DEMOCRATIC PROCESSES.**—The Secretary of  
16 State shall—

17 (1) provide assistance to strengthen local, re-  
18 gional, and national parliaments and governments in  
19 Ethiopia, as needed;

20 (2) establish a program focused on reconcili-  
21 ation efforts between the Government of Ethiopia  
22 and political parties, including in minority commu-  
23 nities, in preparation for negotiation and for partici-  
24 pation in the political process; and

1           (3) provide training for civil society groups in  
2 election monitoring in Ethiopia.

3       (b) DEMOCRACY ENHANCEMENT.—

4           (1) ASSISTANCE.—United States technical as-  
5 sistance for democracy promotion in Ethiopia should  
6 be made available to all political parties and civil so-  
7 ciety groups in Ethiopia.

8           (2) RESTRICTION.—

9           (A) IN GENERAL.—Nonessential United  
10 States assistance shall not be made available to  
11 the Government of Ethiopia if the Government  
12 of Ethiopia acts to obstruct United States tech-  
13 nical assistance to advance human rights, de-  
14 mocracy, independence of the judiciary, freedom  
15 of the press, economic development, and eco-  
16 nomic freedom in Ethiopia.

17           (B) DEFINITION.—In this paragraph, the  
18 term “nonessential United States assistance”  
19 means assistance authorized under any provi-  
20 sion of law, other than humanitarian assistance,  
21 food aid programs, assistance to combat HIV/  
22 AIDS and other health care assistance, peace-  
23 keeping assistance, and counter-terrorism as-  
24 sistance.

1 **SEC. 5. ENSURING GOVERNMENT SUPPORT FOR HUMAN**  
2 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**  
3 **VELOPMENT IN ETHIOPIA.**

4 (a) **LIMITATION ON SECURITY ASSISTANCE; TRAVEL**  
5 **RESTRICTIONS.—**

6 (1) **LIMITATION ON SECURITY ASSISTANCE.—**

7 (A) **IN GENERAL.**—Except as provided in  
8 subparagraph (B), security assistance shall not  
9 be provided to Ethiopia until such time as the  
10 certification described in paragraph (3) is made  
11 in accordance with such paragraph.

12 (B) **EXCEPTION.**—Subparagraph (A) shall  
13 not apply with respect to peacekeeping assist-  
14 ance, counter-terrorism assistance, or inter-  
15 national military education and training for ci-  
16 vilian personnel under section 541 of the For-  
17 eign Assistance Act of 1961 (commonly referred  
18 to as “Expanded IMET”). Peacekeeping or  
19 counter-terrorism assistance provided to Ethi-  
20 opia shall not be used for any other security-re-  
21 lated purpose or to provide training to security  
22 personnel or units accused of human rights vio-  
23 lations.

24 (2) **TRAVEL RESTRICTIONS.**—Beginning on the  
25 date that is 60 days after the date of the enactment  
26 of this Act and until such time as the certification

1 described in paragraph (3) is made in accordance  
2 with such paragraph, the President shall deny a visa  
3 and entry into the United States to—

4 (A) any official of the Government of Ethi-  
5 opia—

6 (i) who has been involved in giving or-  
7 ders to use lethal force against peaceful  
8 demonstrators or police officers in Ethi-  
9 opia; or

10 (ii) against whom there is credible evi-  
11 dence of gross human rights abuses or vio-  
12 lations;

13 (B) security personnel of the Government  
14 of Ethiopia who were involved in the June or  
15 November 2005 shootings of demonstrators;

16 (C) security personnel responsible for mur-  
17 dering Etenesh Yemam; and

18 (D) security personnel responsible for mur-  
19 dering prisoners at Kaliti prison in the after-  
20 math of the election violence in 2005.

21 (3) CERTIFICATION.—The certification de-  
22 scribed in this paragraph is a certification by the  
23 President to Congress that the Government of Ethi-  
24 opia is making credible, quantifiable efforts to en-  
25 sure that—

1 (A) all political prisoners and prisoners of  
2 conscience in Ethiopia have been released, their  
3 civil and political rights restored, and their  
4 property returned;

5 (B) prisoners held without charge or kept  
6 in detention without fair trial in violation of the  
7 Constitution of Ethiopia are released or receive  
8 a fair and speedy trial, and prisoners whose  
9 charges have been dismissed or acquitted and  
10 are still being held are released without delay;

11 (C) the Ethiopian judiciary is able to func-  
12 tion independently and allowed to uphold the  
13 Ethiopian Constitution and international  
14 human rights standards;

15 (D) security personnel involved in the un-  
16 lawful killings of demonstrators and others, in-  
17 cluding Etenesh Yemam, and Kaliti prisoners  
18 are held accountable;

19 (E) family members, friends, legal counsel,  
20 medical personnel, human rights advocates, and  
21 others have access, consistent with international  
22 law, to visit detainees in Ethiopian prisons;

23 (F) print and broadcast media in Ethiopia  
24 are able to operate free from undue interference  
25 and laws restricting media freedom, including

1 sections of the Ethiopian Federal Criminal  
2 Code, are revised;

3 (G) licensing of independent radio and tel-  
4 evision in Ethiopia is open and transparent;

5 (H) Internet access is not restricted by the  
6 government and the ability of citizens to freely  
7 send and receive electronic mail and otherwise  
8 obtain information is guaranteed;

9 (I) the National Election Board (NEB) in-  
10 cludes representatives of political parties with  
11 seats in the Ethiopian Parliament and the NEB  
12 functions independently in its decision-making;

13 (J) representatives of international human  
14 rights organizations engaged in human rights  
15 monitoring work, humanitarian aid work, or in-  
16 vestigations into human rights abuses in Ethi-  
17 opia are admitted to Ethiopia and allowed to  
18 undertake their work in all regions of the coun-  
19 try without undue restriction; and

20 (K) Ethiopian human rights organizations  
21 are able to operate in an environment free of  
22 harassment, intimidation, and persecution.

23 (4) WAIVER.—

24 (A) IN GENERAL.—The President may  
25 waive the application of paragraph (1) or (2) on

1 a case-by-case basis if the President determines  
2 that such a waiver is in the national security in-  
3 terests of the United States.

4 (B) NOTIFICATION.—Prior to granting a  
5 waiver under the authority of subparagraph  
6 (A), the President shall transmit to Congress a  
7 notification that includes the reasons for the  
8 waiver.

9 (b) TREATMENT OF POLITICAL PRISONERS AND  
10 PRISONERS OF CONSCIENCE.—

11 (1) IN GENERAL.—The President, the Secretary  
12 of State, and other relevant officials of the Govern-  
13 ment of the United States shall call upon the Gov-  
14 ernment of Ethiopia to immediately—

15 (A) release any and all remaining political  
16 prisoners and prisoners of conscience, especially  
17 prisoners held without charge; and

18 (B) allow full and unfettered access to the  
19 Ogaden region by humanitarian aid organiza-  
20 tions and international human rights investiga-  
21 tors.

22 (2) TORTURE VICTIM RELIEF.—While it is the  
23 responsibility of the Government of Ethiopia to com-  
24 pensate the victims of unlawful imprisonment and  
25 torture and their families for their suffering and

1 losses, the President shall provide assistance for the  
2 rehabilitation of victims of torture in Ethiopia at  
3 centers established for such purposes pursuant to  
4 section 130 of the Foreign Assistance Act of 1961  
5 (22 U.S.C. 2152).

6 (c) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that the Government of the United States should—

8 (1) encourage the Government of Ethiopia to  
9 enter into discussions with opposition political  
10 groups interested in reconciliation in order to bring  
11 such groups into full participation in the political  
12 and economic affairs of Ethiopia, including their le-  
13 galization as political parties, and provide such as-  
14 sistance as is warranted and necessary to help  
15 achieve the goal described in this paragraph; and

16 (2) provide assistance to promote the privatiza-  
17 tion of government owned or controlled industries  
18 and properties in Ethiopia.

19 **SEC. 6. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**  
20 **OPIA.**

21 (a) RESOURCE POLICY ASSISTANCE.—The President,  
22 acting through the Administrator of the United States  
23 Agency for International Development and in cooperation  
24 with the World Bank and other donors, shall provide as-  
25 sistance, as needed, for sustainable development of Ethio-

1 pia's Nile and Awash River resources, including assistance  
2 to help Ethiopia with the technology necessary for the con-  
3 struction of irrigation systems and hydroelectric power  
4 that might prevent future famine.

5 (b) HEALTH CARE ASSISTANCE.—The President,  
6 acting through the Administrator of the United States  
7 Agency for International Development, shall provide mate-  
8 rial support to hospitals, clinics, and health care centers  
9 in Ethiopia, especially hospitals, clinics, and health care  
10 centers in rural areas.

11 **SEC. 7. REPORT.**

12 Not later than 180 days after the date of the enact-  
13 ment of this Act, the President shall transmit to Congress  
14 a report on the implementation of this Act, including a  
15 description of a comprehensive plan to address issues of  
16 security, human rights, including in the Ogaden region,  
17 democratization, and economic freedom that potentially  
18 threaten the stability of Ethiopia.

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-  
21 priated to carry out this Act \$20,000,000 for each of the  
22 fiscal years 2008 and 2009.

23 (b) AVAILABILITY.—Amounts appropriated pursuant  
24 to the authorization of appropriations under subsection (a)  
25 are authorized to remain available until expended.

Chairman LANTOS. I now yield to the distinguished chairman of the Subcommittee on Africa, my friend from New Jersey, Mr. Payne, the sponsor of the bill, to explain the legislation. Mr. Payne?

Mr. PAYNE. Thank you very much, Mr. Chairman, and let me thank you for bringing this bill, H.R. 2003, up, the Ethiopia Democracy and Accountability Act. I certainly thank the ranking member, Ms. Ros-Lehtinen, who we have worked so closely with on so many issues.

The bill is basically—we are very appreciative of the close relations between Ethiopia and the United States, but we do feel that there are several issues that we need to deal with. I think that by and large it is a bill that is well balanced. It assists Ethiopia in its health areas to help it move along with its institutions, but it also requests the release of all political prisoners.

With that, Mr. Chairman, I ask the committee's acceptance.

Mr. ROHRABACHER. Mr. Chairman?

Chairman LANTOS. Thank you, Mr. Payne.

Mr. ROHRABACHER. I have an amendment. I have an amendment when the appropriate time is for offering the amendment.

Chairman LANTOS. Right. This is the appropriate time, and I am happy to recognize Mr. Smith and then you.

Mr. ROHRABACHER. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Let me just say I am delighted to be working with Chairman Payne on this particular piece of legislation.

The idea of an Ethiopian Democracy Act was borne out of a trip that I made back in August 2005, after there was a mass killing on the streets of Addis in direct response to an egregiously flawed election in which the government regrettably, even though many of the seats went to the opposition, and it was very clear that significant intimidation was used against those who were in opposition.

I remember meeting with President Meles, Mr. Chairman, who I am greatly disappointed in, who told me that he had a dossier on virtually every one of the opposition leaders and that it was just a matter of time before they were all arrested and cited for treason. Sure enough, true to his word, like any other petty dictator, he quickly turned around and arrested those individuals and incarcerated many.

In the meantime, some have been released. The Bush administration has made representation on their behalf. I don't think it has been as robust as it could be, and I would point out to my colleagues that this legislation attempts to free those political prisoners and bring at least some measure, some modicum of democracy, transparency and accountability to the Ethiopian Government.

This is a good bill. It deserves strong bipartisan support, and I urge its passage.

Chairman LANTOS. Without objection, the amendment is considered as read, and if there is any other comment—

Mr. ROHRABACHER. Mr. Chairman, I have an amendment. I have an amendment to the bill.

Ms. RUSH. Amendment offered by Mr. Rohrabacher of California. At the appropriate place in Section 6[a][3] of the bill insert the fol-

lowing new subparagraph and make appropriate technical and conforming corrections.

Chairman LANTOS. Without objection, the amendment is considered as read and the gentleman is recognized on his amendment.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

[The amendment of Mr. Rohrabacher follows:]

#### **AMENDMENT TO H.R. 2003**

##### **OFFERED BY MR. ROHRABACHER OF CALIFORNIA**

At the appropriate place in section 6(a)(3) of the bill, insert the following new subparagraph (and make appropriate technical and conforming changes):

1           ( ) all capital assets of United States citi-  
2           zens and of entities not less than 50 percent  
3           beneficially owned by United States citizens  
4           that have been nationalized, expropriated, or  
5           otherwise seized by the Ethiopian government  
6           before the date of the enactment of this Act in  
7           contravention of international law are returned  
8           or a mutually agreed upon restitution agree-  
9           ment is performed;

Mr. ROHRABACHER. First of all, let me thank Mr. Payne and Mr. Smith for all the hard work they have done on this. I have tried to work with them as a team player on this legislation, which I consider to be vitally important.

We have a regime that could have been. Ethiopia could have been a democratic country. The people of Ethiopia have demonstrated that it could have been a shining light of democracy, yet a group of self-serving thugs basically ignored the democratic process and decided to hold power no matter what the election results were in Ethiopia.

I was shocked when I learned that you had American Humvees armed with machine guns rolling through the streets of Ethiopia murdering and maiming and terrorizing the population after their election into submission for a government that was not elected. This is not what American military assistance should be used for, and that is why I am very supportive of the efforts of Mr. Payne and Mr. Smith and what they are trying to do here.

As most people here know, and I have mentioned it several times over the years, I have a family, a constituent family that demonstrates the type of repression and dishonest government that they have in Ethiopia. These people who refuse to go by what the election returns are—are surprise, surprise—profiteering off confiscated properties.

My amendment is not aimed at one family, although I have seen the results on the one immigrant family that lives in my area, but there are thousands of such American citizens of Ethiopian descent whose property has been confiscated and whose property is now being used by the oppressors in Ethiopia for their own benefit and their own profit.

By adding my amendment, we basically are making this much more real against those gangsters who are running Ethiopia rather than just having an effect on the country as a whole because it is the leadership of the government that is profiteering from these confiscated properties, and they are profiteering personally.

What my amendment would add to the list is just that before we can maintain or establish again the normal relations with Ethiopia and provide them other security assistance they have to at least either return property that has been unlawfully confiscated or reach a mutually agreeable restitution to those properties that have been confiscated that are owned by United States citizens.

As I say, this makes it real because these leaders, these people that we are trying to affect, are actually profiteering off these confiscated properties, and that is what goes into their own pocket behind the scenes.

With that said, and I understand Mr. Payne is supporting this amendment and certainly Mr. Smith, and I would hope that we would add this amendment which makes it tougher on the gangsters and not just the people of Ethiopia.

Chairman LANTOS. Is there any other colleague who wishes to be heard on the amendment?

Mr. Payne?

Mr. PAYNE. Yes, Mr. Chairman. Let me say that I have worked very closely with Mr. Rohrabacher and feel that the issue that he raises is certainly a valid issue.

However, we did include language in the bill which Mr. Rohrabacher felt was not sufficient, and I feel that the language of his amendment would be too restrictive and almost present itself as a personal bill.

I would certainly like to work with Mr. Rohrabacher on having this issue resolved. I encourage my colleague to come up with some more appropriate language or to seek another vehicle, which do exist. Compensation was offered. The owner felt it was not appropriate.

And so although we have been trying to work together, and I appreciate his support for the overall language and I do sympathize with the situation, I will have to oppose the final form that he has offered as an amendment, but do hope to work with him.

I yield back.

Chairman LANTOS. Mr. Royce of California?

Mr. ROYCE. Yes. I just want to associate myself with the remarks made by my colleague, Congressman Rohrabacher from California.

I think it is an important principle, and I think these conditions are conditions that should be in the bill and so I would urge adoption of this amendment.

Mr. ROHRABACHER. Mr. Chairman?

Mr. ROYCE. I would like to yield to Congressman Rohrabacher because I think he had an additional point he wanted to make.

Mr. ROHRABACHER. I think that we have to understand that when we are trying to promote democracy if we are very serious about promoting democracy we have to have things in our legislation that actually are meaningful to the dictators, to the oppressors.

This amendment makes it real for those people that we are trying to say quit murdering your people, quit stealing from your people because it affects them directly. Behind the scenes the people who are running these gangster regimes, they profit off confiscating other people's—honest people's—property in their society.

The other things that we can do to try to pressure them because we are going to deny Ethiopia certain things does not affect them personally. This will impact their pocketbook. We have learned this in North Korea where no matter what pressure we put on the North Korean regime they didn't start coming around until we started affecting bank accounts in Macau.

Well, what we have in Ethiopia are people who are very rich off utilizing confiscated property, and in this case we are talking about property that belongs—that legitimately belongs—to United States citizens of Ethiopian descent. There is no reason in the world that we should not make this bill something that will be effective and impact directly on those leaders.

I know that there is a strong lobbying effort that has been going on. I know that top people from this Congress have been hired, both Republicans and Democrats, to come back and twist our arms to try to get things like this out of this bill. I think it is a disgrace that Members of Congress would be representing this kind of regime, but we should be doing what is right here. We should be making this real.

I thought I had an agreement with Mr. Payne. I am sorry to hear that we now don't have that agreement, but I would plead with my colleagues on both sides of the aisle. Let us make this real. That is what this amendment does.

By the way, if this amendment goes down the message to the dictators in Ethiopia is we really don't care. This is all for show. Our lobbyists have managed to neuter this bill to the point that it is just for show.

This is the trouble with what has happened with China. All these years we talk about human rights with China and the Chinese officials say oh, the Americans really don't care about this because they don't have any sanctions that really affect us.

Well, I think at least with Ethiopia we should make it real. I think we should make it real with China as well. Here is our opportunity to make it real, and I would hope that my colleagues take a stand and say no to these lobbyists who have been hired by the Ethiopian Government.

Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Chairman?

Chairman LANTOS. Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman.

Mr. Chairman, let me just say to my colleagues that the idea of the Ethiopian Human Rights Act was an idea that I got as I got onto the plane after I met with Meles. When we worked on that bill, we got it passed in this committee in the last Congress. It died because the lobbyists that Mr. Rohrabacher is talking about, namely a high-powered bipartisan group of lobbyists, killed the bill and it never made it onto the floor.

I was very pleased and happy when Mr. Payne and I began working on this legislation again this year because we are not going to let this go. The Ethiopia Human Rights Act is directly patterned after the Vietnam Human Rights Act. It is directly patterned after the Belarus Democracy Act, both of which I have sponsored. One is law. The other one, the Vietnam Human Rights Act, thanks to our good chairman, was marked up and was brought to the floor last week.

We didn't have the Rohrabacher provision in the previous bill. I am sorry for that. I wish I would have thought of it. I wish one of us would have thought of it. We didn't have it.

This is a strengthening amendment. As you know, Mr. Chairman, confiscated properties is one of the biggest sores and wounds that we have in Europe where properties that were appropriated by the Communists, by the Nazis, have not been conveyed back to the rightful owner.

It is a problem in Latin America. It is a big problem in Cuba where Fidel Castro has literally ripped off his own people, took the homes, the plantations from their rightful owners.

If we have an opportunity to tell a dictator to give back to American citizens that which is rightfully theirs, we should be doing it. This is a strengthening amendment which I fully support, and I hope this committee fully supports it notwithstanding what a law firm is lobbying to try to prevent.

They are against this bill in its totality. They are against Mr. Rohrabacher's amendment. Again, this is a strengthening amendment. This is a very, very important step forward. The step should not be validated by inaction.

Mr. ROYCE. Will the gentleman yield?

Mr. SMITH OF NEW JERSEY. I would be happy to.

Mr. ROYCE. I just would ask the gentleman: Isn't it the case that the individuals that we are talking about here generally are representative of minority groups in those communities—

Mr. SMITH OF NEW JERSEY. That is right.

Mr. ROYCE [continuing]. Who had their property confiscated because they weren't with the tribal majority or the ethnic or the religious majority and therefore as a consequence lost their property at the hands of the state?

Mr. SMITH OF NEW JERSEY. The modus operandi in Ethiopia for its dictatorship and for many other dictatorships around the world is to take the property, especially the homes, the bank accounts certainly, of those who are on the wrong side of the political side, the wrong tribe if you will, and unfortunately that is exactly what has happened in Ethiopia.

The Nazis did it to the Jews as we all know, the Soviets, so many cases are pending. I was just in Moscow recently, Mr. Chairman, as you know, and I was raising confiscated property issues while I was there. It is an issue that seemingly never goes away.

When we can push that ball a little bit down the field, as Mr. Rohrabacher is attempting to do, I think we ought to do it. It strengthens this legislation.

Chairman LANTOS. Any other colleague who wishes to—

Mr. PAYNE. Yes.

Chairman LANTOS. Mr. Payne?

Mr. PAYNE. Just once again as I indicated, the lobbyists are the last persons to come and see me. This has nothing to do with the lobbyists.

We had legislation and an amendment that I included in the bill. First of all, this property was confiscated before this regime took over. It was done under the Mengistu regime. In fact, as I indicated, believe it or not this regime offered compensation which the individual felt was not adequate.

The language that we had, we had an amendment in the legislation which Mr. Rohrabacher felt did not go far enough. I have a concern about legislation that becomes a personal bill. We don't do personal bills anymore if the legislation kind of focuses on an individual who felt that they were unjustly done. It deals with only Americans whose property had been confiscated. It is just flawed in the way that it is written.

I agree, as I indicated. The reason that I agreed to an amendment in the first place was because I think that the point that Mr. Rohrabacher is bringing out is a real issue. However, I disagree with the manner in which the amendment that he has introduced is written as opposed to the amendment that we had in the bill.

It has nothing to do with lobbyists. It has nothing to do with being light on this regime, believe me, and so I just wanted to reclarify my reasons for opposing this particular amendment. It deals with an individual specifically, and I do not believe that legislation should be tailored to an individual when we have something that dealt with a class.

With that, Mr. Chairman, I yield back.

Chairman LANTOS. Mr. Burton?

Mr. BURTON. Thank you, Mr. Chairman. I don't think anybody intends to cast aspersions on another Member, a sitting Member of Congress.

I do think that there is a real question about some of the activities of some of the lobbyists, and with that I will yield to Mr. Rohrabacher.

Mr. ROHRABACHER. This bill is not for one family. It just happens an Ethiopian immigrant family lives in my area and I know them.

It just happens that I know the suffering that is caused when governments confiscate property, especially when regimes are dictatorial regimes, and I can see the pain and agony there. I have met with numerous Ethiopian families who have had their property confiscated, and the gangsters running their country now are profiteering off that property.

This is no different than when the Nazis took this property from the Jews, and of course the Nazis ended up moving their buddies

and the cliques into the homes of prominent Jewish families in Germany. Afterwards, by the way, we insisted that even though the German people were not the ones that confiscated the property—it was the Nazis—that we insisted that the German people pay compensation for the property that was lost. That was totally legitimate.

This is actually even closer here, but it is not, as it is being characterized right now, aimed at one family. This is a general principle. Look at the language that applies that our Government should be championing the interests of those American citizens who are immigrant families, Ethiopians who have now become United States citizens who have property claims against the dictatorship, especially when you realize that property is being used for personal profit by the regime that we are opposing because of its dictatorial nature.

Again, this amendment, my amendment, will make it real for those dictators. Other things we can do to affect Ethiopia in general and the Ethiopian Government in general are not going to be as effective as this because behind the scenes this is a source of benefit and profit to those who hold the reigns of power in Ethiopia.

Again, I totally reject the idea that this was aimed at just a family that I happened to know about. I have spoken to many Ethiopian families, and it is a general principle we are trying to establish here.

Mr. BURTON. Let me just reclaim my time and say real briefly that this kind of a problem has gone on for a long, long, long time.

I recall back in the early 1980s when the war was taking place between the Sandinistas and the Contras in Nicaragua. The Ortega family and others that were in their clique confiscated an awful lot of property, and even to this day there are Nicaraguan-Americans that are still suffering and trying to get their assets back without much success.

I think this sends a very strong signal not only to Ethiopia, but to the rest of the world that the United States is going to stand for property ownership. One of the keys to the United States of America is that the ownership of property is really one of the guarantees that we received when we wrote the Constitution. Life, liberty, the pursuit of happiness and the ownership of property.

If we don't stand for that around the world then I think it is just a little bit hypocritical because we do it here in the United States.

Chairman LANTOS. Thank you very much.

The gentleman from California, Mr. Berman?

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Payne, I would just like to get your comments. You spent a great deal of time putting together this legislation, and for a long period of time you have been working on this legislation.

Mr. Smith in his opening statement gave strong support to the purpose of this legislation. Is it your judgment that notwithstanding the merits of the issue that Mr. Rohrabacher speaks to in offering his amendment your ability to move legislation to focus criticism on practices and impose restrictions on assistance and travel and the other measures that you have in this bill with respect to the Government of Ethiopia that your proposal is made

more difficult to pass by virtue of the passage of the Rohrabacher amendment and potentially risks the viability of this legislation?

Mr. PAYNE. Actually, no, I don't think it would be a deterrent. However, I think that it is basically too narrowly focused, and actually, you know, when they deal with Article 40 of the Ethiopian legislation there are some issues that kind of are out of sync.

As I indicated, I am the last person to seemingly be defending the Government of Ethiopia. First of all, this property was confiscated by the Mengistu regime prior to the current government defeating the Communist led regime and bringing in the new Mengistu regime. I mean the new regime of Meles.

There is the letter that was sent to Mr. Rohrabacher in 2002 where a certain amount of funds were offered to the person in this particular situation and it was rejected by the person, by the individual, a letter of August 2002.

Like I said, Mr. Rohrabacher's legislation deals with citizens and entities not less than 50 percent beneficially owned by United States citizens. Our legislation dealt and there are members of the diaspora all over the world who had property seized so we tried to broaden the language to deal with people throughout the diaspora, Europe and so forth.

This legislation simply says that if you are lucky enough to get to America then this legislation applies to you. Therefore, if you happen to be in Europe or in other parts of Africa this legislation has nothing to do with you and so there are mechanisms in place to compensate people who had their property seized.

I tried to broaden the language in working with Mr. Rohrabacher. I believe in the concept and so forth, but I didn't think that we should be arrogant enough to simply say that you have to live in the United States to have the Government of Ethiopia return your property. I just wanted it to be a broader amendment, which we included and which Mr. Rohrabacher rejected and once again is making it much more the specificity rather than the fundamental.

I thought it was just tailored to specifically I wanted to have more Ethiopians from throughout the diaspora covered. This doesn't say that the government is right. It just has another approach and broadens the approach to it.

Chairman LANTOS. The chair would like to ask both Mr. Rohrabacher and Mr. Payne a question. My understanding was that each of you in good faith were under the impression that you had this issue worked out.

Mr. ROHRABACHER. That is correct.

Chairman LANTOS. That is correct says Mr. Rohrabacher. That is what Mr. Payne is saying.

Mr. PAYNE. Right.

Chairman LANTOS. Having high regard for both of you, may I make a suggestion? May I make a suggestion that you make one more attempt to work out the specific language which will meet with the approval of both of you before we take this measure to the floor?

I would welcome this because it is my goal on most matters where we can to operate in a bipartisan fashion. Would that be acceptable to you, Mr. Rohrabacher?

Mr. ROHRABACHER. Would that mean that we would then pass this bill through the committee without the amendment?

Chairman LANTOS. That is what would be the effect, and on the assumption that you will work out an agreement I personally would introduce the amendment on the floor.

Mr. ROHRABACHER. Mr. Chairman, you are making the request. I trust your leadership. Then if we do not include this amendment now I am afraid that on the floor that the lobbyists that we are talking about will have a much greater influence on the general body than they have on this committee.

The Ethiopian Government has put out enormous resources, hired, as I say, some of the people, top people in our Congress, and I am very fearful that if we let this thing just go to the floor without this amendment—I would prefer if we would pass the amendment and have it taken out on the floor.

Chairman LANTOS. Would it be acceptable to you to postpone action on this entire item until our next markup at which time you will either have a united front with Mr. Payne or I will put the issue to a vote?

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. That is certainly all right with me.

Chairman LANTOS. Mr. Payne, is that acceptable to you?

Mr. PAYNE. I would want the legislation passed as is. If Mr. Rohrabacher is opposed to it then just call for the vote. If he has a majority of the vote then let it be.

I don't think that my bill should be amended to accept his amendment. I would like to work it out. I would agree to work with him, but if he refuses just call the vote. If he has a majority of the vote then his amendment is in it. If it is not the bill will go forward the way it is period.

Chairman LANTOS. Let me be sure I understand you. Are you objecting to postponing action on this piece of legislation until our next markup giving you a chance—

Mr. BERMAN. Would the chairman yield?

Chairman LANTOS. Just 1 minute. Giving you a chance, giving the two of you a chance, to work out the disagreement.

Mr. PAYNE. Mr. Chairman, this bill has been delayed for too long. If we have to take some action then let us vote on his amendment. If his amendment wins then we will approve the bill.

I will just call for a vote on his amendment since he doesn't seem to be willing to want to work along with it. Let us find out what happens to his amendment.

Mr. BERMAN. Would the chairman yield?

Chairman LANTOS. Mr. Berman?

Mr. BERMAN. There is an alternative, Mr. Rohrabacher, to taking a chance with what would happen on the floor with an amendment that was worked out, and that is we pass the bill now without the amendment.

If the bill is going on the suspension calendar, and perhaps it is not given that apparently it is pretty controversial as it were. A manager's amendment incorporating an agreement between you and Mr. Payne would be pretty pro forma.

If it is going to the Rules Committee for a rule it is possible to get the agreed upon language into the bill at the Rules Committee

so it is not considered as a separate amendment. The rule that is passed can put that language into the bill so that your fear about what could happen in a freestanding amendment on the floor due to different pressures on members wouldn't be of concern.

Mr. ROHRABACHER. Would the gentleman yield?

Mr. BERMAN. Yes.

Mr. ROHRABACHER. I am agreeing with Chairman Lantos. I would be willing to hold off on a vote on this and try to work any differences out.

Mr. Payne, however, what you are suggesting would not be acceptable because what happens today, I will have to say, when we are voting on this bill and it goes through if this is defeated the gangsters that run Ethiopia are going to be celebrating and popping the champagne corks.

Ms. JACKSON LEE. Mr. Chairman?

Mr. ROHRABACHER. The bottom line is they are going to believe that their lobbying efforts have paid off, and this will be seen as a defeat and the people of Ethiopia will be upset.

This is the crux of the vote here because the bill will pass otherwise. Are we going to make it real or aren't we? I would be happy to hold off. If Mr. Payne wants a vote right now—the chairman has requested we hold off. I would be willing to hold off and talk some more to Mr. Payne. If he wants a vote right now, that is what he demands.

Mr. PAYNE. Well, you see, holding off. We have been holding off for 2 years. This bill coming out again to go through some more negotiations, you are actually playing in the hands of these people we are talking about trying to defeat, the lobbyists that have been holding up this bill for the last 2 years.

It has just been frustrating time after time that every time we come up with this bill there is some technical thing that just doesn't suit an individual.

Mr. ROHRABACHER. This is a very principled issue and it has nothing to do with one family. It is a principle.

We can serve as an example to all of Africa and all of the other dictatorships around the world that we will in reality not permit those dictators to take confiscated property, personally benefit, put the money in Swiss bank accounts.

We are going to stand up. If at least the property of American citizens has been confiscated we are going to stand up for their rights. If American citizens of Ethiopian descent have legitimate claims it should be in here. We disagree on that.

Mr. PAYNE. We don't disagree. We just disagree with the manner in which you crafted this amendment. It is in the bill.

Mr. ROHRABACHER. There will never be a way of crafting the language.

Chairman LANTOS. Gentlemen, time has expired.

Ms. Jackson Lee?

Ms. JACKSON LEE. Mr. Chairman, let me thank you for your leadership and certainly your concern in this issue offering a compromise, but I appreciate the work of Chairman Payne. It is a difficult journey in this legislation.

Having just come back from Ethiopia, I respect the passion of my good friend from California. I would beg to differ as to calling the

leadership gangsters. I don't think that in any way moves this ball closer to reality.

I do think that the basic premise of the legislation, of Ethiopia improving its human rights and piercing into the inequities in that country, is valuable. That is what Mr. Payne has worked on and compromised over a period of time. There is great opposition to this bill—he is right—because he has done some things that obviously are not necessarily receptive, but I think they are balanced.

I think Mr. Rohrabacher's point is well taken. Frankly, I think it warrants a legislative initiative that addresses the confiscated properties of people from around the world that live in this country and not necessarily focused on Ethiopia.

In the bill I want to make note that we have made some strides of language that I have offered that we are not only going to talk about human rights, but we are going to assist the judiciary in Ethiopia by exchanges between Ethiopian and United States juris law professors, law schools and law students, language that I asked to put in and that was included.

We are not leaving the property issue alone because we are addressing the question of property dealing with the property owned by the government in Ethiopia, and we are encouraging and working for that property to be privatized. That is historic. That is something you hear about whenever you go to Ethiopia as it relates to the farmers.

Then as related to this whole question of the relationship between the United States military and Ethiopian military, we now are putting some requirements that the Ethiopian military has to be trained so that they are not abusive. They have to be trained in issues dealing with human rights and violations of human rights and democracy and economic development.

This is not a milk-toast initiative. It is an initiative that is going to have foes and supporters and so I think that as we pass this legislation, and I hope that we can do that, and I appreciate the effort at compromise. We must also emphasize that this language suggests that we continue to work with Ethiopia in the war on terror—they have done that—and that we want to strengthen the relationship between the United States and Ethiopia, but at the same time we want the people to stop suffering.

We are glad that they released prisoners, but we know that they can do more, and I think that we do that by this legislative initiative, but we continue the engagement. This is not the end for the solution that Mr. Rohrabacher is asking for, and frankly I believe this will pull the bill down. This will throw it into the jaws of the lion. That lion is pretty tough.

We need to try and move forward with a very constructive, pointed, focused legislative initiative highlighting human rights, instructing Ethiopia to move forward on the human rights question, giving the opportunity for democratic election, changing the economic infrastructure of Ethiopia so that less people have to walk miles to get their water and more systems of water infrastructure can be put in, more people can own their land and feed themselves.

Why are we holding this up when compromises have been offered? The chairman has offered that he will work as this bill goes to the floor, and I believe that it is imperative that we move for-

ward so that Ethiopia can build its relationship as a friend of the United States, we as its friend, and make this instructive document that we have law so that we can see some results.

I ask my colleagues to support the underlying legislation and to look forward to working with Mr. Rohrabacher as we make our way to the floor on some of his concerns and also would join on a larger bill on this question as it relates to American citizens who live here from around the world who have suffered that kind of situation.

I yield back.

Mr. MANZULLO. Mr. Chairman?

Chairman LANTOS. Yes?

Mr. MANZULLO. Move to strike the last word.

Chairman LANTOS. Mr. Manzullo?

Mr. MANZULLO. I am looking at this bill, and I am really wondering what it does except give money to non-governmental organizations to do what is already being done now.

As I look at the documents in front of me, the U.S. Government spends \$2.5 million for developing political parties, for a more participatory civil society, and a more free and transparent electoral process. We spend \$2.1 million in activities that focus on consensus building, active representation, and engaged political parties.

We spend \$5.75 million to provide training to improve judicial system administration and independence, support the Independent Human Rights Commission, improve capacity of civil society to monitor human rights violations, provide training in human rights for police, judges, prosecutors, private lawyers, and promote institutional capacity of local governments. We spend this already. This is about \$10 million a year.

If you look at this bill, it spends \$40 million over the next 2 years, for example, to facilitate joint discussions between court personnel, officials from the Ethiopian Ministry of Justice. You pick up the phone and say, "Hello." Why do you have to spend \$40 million to do that?

This bill is milk toast if you go through it item by item. Encourage changes between Ethiopia and United States juris law schools—that is going on right now—and professors. So we can take and give money to universities so they can send professors over to Ethiopia and then the Ethiopian Government can send professors over here?

Establish a program in consultation with Ethiopian civil society to provide for a judicial monitoring process? We are spending \$2.1 million a year to do that. Establish a program in consultation with Ethiopian civil society and provide support to other programs?

I mean, aside from expanding Voice of America's Ethiopian programs I don't see why spending \$40 million here is going to do anything more than what is already being spent, and I will yield to my friend, Mr. Payne.

Mr. PAYNE. Sure. As you know, Ethiopia is one of the strongest allies that the United States has. As a matter of fact, your administration asked Ethiopia to go into Somalia, which I disagreed with, but that is what they wanted because they felt there may be some al-Qaeda people there.

If we are going to depend on Ethiopia, which has been an ally of the United States for decades, for centuries, then what we ought to do is to try to strengthen that government because they are having their troops go into places where we don't send ours and so we are trying to say that Ethiopia has the core to once again become a democratic country and so we are trying to strengthen the institution.

Mr. MANZULLO. I understand. Reclaiming my time, I don't see how exchanging professors of law between the two countries will do that. You are better off giving them \$40 million in guns if that is what you want to do.

Ms. WATSON. Mr. Chairman?

Mr. SHERMAN. Would the gentleman yield?

Chairman LANTOS. Just one moment, please. We have a number of other items to deal with. I believe this issue has been discussed maybe not ad nauseam, but certainly ad infinitum, and unless someone has a burning and palpably fresh point to offer—

FEMALE VOICE. It is a high standard.

Chairman LANTOS. It is a high standard which members of this committee are capable of achieving.

Mr. MANZULLO. Then I will yield back my time.

Chairman LANTOS. I am inclined to put the issue to a vote. That clearly is the desire of—

Mr. PAYNE. Mr. Chairman, if you would?

Chairman LANTOS. Yes?

Mr. PAYNE. I would be willing to go along with Mr. Berman's suggestion and will agree to work to a rule that Mr. Berman seems to be conversant with and that we would try to make an agreement.

Now, if that is unacceptable to Mr. Rohrabacher to agree to Mr. Berman's suggestion then I would call for the vote.

Mr. ROHRBACHER. Mr. Chairman, I would be willing to go along with the chairman's recommendation, which was aiming toward a real compromise, rather than trying to pass this bill through without adding the real meaningful clause, which I think my amendment does.

If the chairman's request is being rejected by Mr. Payne, I will just go along with the chairman.

Mr. GALLEGLY. Mr. Chairman, a parliamentary inquiry?

Chairman LANTOS. Just one moment. I want to be sure we are all on the same page.

Mr. Payne, I understand Mr. Rohrabacher is prepared to have this item moved to the next markup session of the committee. Are you in agreement with that?

Mr. PAYNE. Mr. Chairman, the next markup is a month from now, and we still have time that is—you know, it has been 2 years now, 2 years and a month.

I think that Mr. Berman made a very potent suggestion, and I would like to see us—I am willing to compromise with that. If Mr. Rohrabacher doesn't have confidence in the suggestion made by Mr. Berman then—

Chairman LANTOS. Well, let me ask you specifically. Are you prepared to accept my compromise move to postpone this issue until

the next markup session of the committee? That is the question I am posing.

Mr. PAYNE. I would rather call the vote, and then I would like to see the bill passed.

I think the bill is much more important, and if we continue to dally over individuals' personal points of view then the country continues to suffer so I would rather see the bill go forward at this point and at this time so I will call for and then you I guess have to call for the Rohrabacher amendment.

Chairman LANTOS. It is the intention of the chair to put the issue to a vote. First we will do it by voice and then we will go on a roll call.

The question occurs on the Rohrabacher amendment. All in favor will say aye.

[Chorus of ayes.]

Chairman LANTOS. Opposed will say no?

[Chorus of noes.]

Chairman LANTOS. The clerk will call the roll.

Ms. RUSH. Chairman Lantos?

Chairman LANTOS. I pass.

Ms. RUSH. Chairman Lantos passes.

Mr. Berman?

Mr. BERMAN. No.

Ms. RUSH. Mr. Berman votes no.

Mr. Ackerman?

Mr. ACKERMAN. No.

Ms. RUSH. Mr. Ackerman votes no.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. No.

Ms. RUSH. Mr. Faleomavaega votes no.

Mr. Payne?

Mr. PAYNE. No.

Ms. RUSH. Mr. Payne votes no.

Mr. Sherman?

Mr. SHERMAN. No.

Ms. RUSH. Mr. Sherman votes no.

Mr. Wexler?

Mr. WEXLER. No.

Ms. RUSH. Mr. Wexler votes no.

Mr. Engel?

[No response.]

Ms. RUSH. Mr. Delahunt?

[No response.]

Ms. RUSH. Mr. Meeks?

[No response.]

Ms. RUSH. Ms. Watson?

Ms. WATSON. No.

Ms. RUSH. Ms. Watson votes no.

Mr. Smith of Washington?

Mr. SMITH OF WASHINGTON. No.

Ms. RUSH. Mr. Smith of Washington votes no.

Mr. Carnahan?

Mr. CARNAHAN. No.

Ms. RUSH. Mr. Carnahan votes no.

Mr. Tanner?  
 [No response.]  
 Ms. RUSH. Mr. Green?  
 [No response.]  
 Ms. RUSH. Ms. Woolsey?  
 Ms. WOOLSEY. No.  
 Ms. RUSH. Ms. Woolsey votes no.  
 Ms. Jackson Lee? Ms. Jackson Lee?  
 Ms. JACKSON LEE. Did you call on me?  
 Ms. RUSH. Yes, I did.  
 Ms. JACKSON LEE. No.  
 Ms. RUSH. Ms. Jackson Lee votes no.  
 Mr. Hinojosa?  
 [No response.]  
 Ms. RUSH. Mr. Crowley?  
 Mr. CROWLEY. No.  
 Ms. RUSH. Mr. Crowley votes no.  
 Mr. Wu?  
 Mr. WU. No.  
 Ms. RUSH. Mr. Wu votes no.  
 Mr. Miller?  
 Mr. MILLER. No.  
 Ms. RUSH. Mr. Miller votes no.  
 Ms. Sánchez?  
 Ms. SÁNCHEZ. No.  
 Ms. RUSH. Ms. Sánchez votes no.  
 Mr. Scott?  
 Mr. SCOTT. No.  
 Ms. RUSH. Mr. Scott votes no.  
 Mr. Costa?  
 Mr. COSTA. No.  
 Ms. RUSH. Mr. Costa votes no.  
 Mr. Sires?  
 Mr. SIRES. No.  
 Ms. RUSH. Mr. Sires votes no.  
 Ms. Giffords?  
 Ms. GIFFORDS. No.  
 Ms. RUSH. Ms. Giffords votes no.  
 Mr. Klein?  
 Mr. KLEIN. No.  
 Ms. RUSH. Mr. Klein votes no.  
 Ms. Ros-Lehtinen?  
 Ms. ROS-LEHTINEN. Yes.  
 Ms. RUSH. Ms. Ros-Lehtinen votes yes.  
 Mr. Smith of New Jersey?  
 Mr. SMITH OF NEW JERSEY. Yes.  
 Ms. RUSH. Mr. Smith of New Jersey votes yes.  
 Mr. Burton?  
 Mr. BURTON. In the name of property rights, I vote yes.  
 Ms. RUSH. Mr. Burton votes yes.  
 Mr. Gallegly?  
 Mr. GALLEGLY. Yes.  
 Ms. RUSH. Mr. Gallegly votes yes.  
 Mr. Rohrabacher?

Mr. ROHRABACHER. Yes.  
 Ms. RUSH. Mr. Rohrabacher votes yes.  
 Mr. Manzullo?  
 Mr. MANZULLO. Aye.  
 Ms. RUSH. Mr. Manzullo votes yes.  
 Mr. Royce?  
 Mr. ROYCE. Yes.  
 Ms. RUSH. Mr. Royce votes yes.  
 Mr. Chabot?  
 Mr. CHABOT. Aye.  
 Ms. RUSH. Mr. Chabot votes yes.  
 Mr. Tancredo?  
 Mr. TANCREDO. Yes.  
 Ms. RUSH. Mr. Tancredo votes yes.  
 Mr. Paul?  
 Mr. PAUL. No.  
 Ms. RUSH. Mr. Paul votes no.  
 Mr. Flake?  
 Mr. FLAKE. No.  
 Ms. RUSH. Mr. Flake votes no.  
 Ms. Davis?  
 [No response.]  
 Ms. RUSH. Mr. Pence?  
 Mr. PENCE. Aye.  
 Ms. RUSH. Mr. Pence votes yes.  
 Mr. Wilson?  
 Mr. WILSON. Yes.  
 Ms. RUSH. Mr. Wilson votes yes.  
 Mr. Boozman?  
 Mr. BOOZMAN. No.  
 Ms. RUSH. Mr. Boozman votes no.  
 Mr. Barrett?  
 [No response.]  
 Ms. RUSH. Mr. Mack?  
 Mr. MACK. Yes.  
 Ms. RUSH. Mr. Mack votes yes.  
 Mr. Fortenberry?  
 Mr. FORTENBERRY. Yes.  
 Ms. RUSH. Mr. Fortenberry votes yes.  
 Mr. McCaul?  
 [No response.]  
 Ms. RUSH. Mr. Poe?  
 Mr. POE. Yes.  
 Ms. RUSH. Mr. Poe votes yes.  
 Mr. Inglis?  
 Mr. INGLIS. Yes.  
 Ms. RUSH. Mr. Inglis votes yes.  
 Mr. Fortuño?  
 Mr. FORTUÑO. Yes.  
 Ms. RUSH. Mr. Fortuño votes yes.  
 Mr. Bilirakis?  
 Mr. BILIRAKIS. Yes.  
 Ms. RUSH. Mr. Bilirakis votes yes.  
 Chairman LANTOS. Any members not recorded?

Mr. DELAHUNT. Mr. Chairman?

Chairman LANTOS. Mr. Delahunt?

Mr. DELAHUNT. How am I recorded?

Ms. RUSH. You are not recorded as voting.

Mr. DELAHUNT. I vote no.

Ms. RUSH. Mr. Delahunt votes no.

Chairman LANTOS. Any other member?

[No response.]

Chairman LANTOS. How am I recorded?

Ms. RUSH. You are recorded as present.

Chairman LANTOS. I will vote no.

Ms. RUSH. Mr. Lantos votes no.

Chairman LANTOS. The clerk will report.

Ms. RUSH. On this vote there are 17 ayes and 25 noes.

Chairman LANTOS. And the amendment is not agreed to.

We will now move to final passage of—

Mr. SHERMAN. Mr. Chairman?

Chairman LANTOS. Just 1 second. We will now move to final passage of this bill.

Mr. SHERMAN. Mr. Chairman?

Chairman LANTOS. Then we will recess until the vote goes on, and then we will return.

We will now vote. The question occurs on the amendment in the nature of a substitute as amended.

Mr. SHERMAN. Mr. Chairman?

Chairman LANTOS. All in favor will vote aye.

[Chorus of ayes.]

Chairman LANTOS. Opposed will vote no.

[Chorus of noes.]

Chairman LANTOS. The ayes have it, and the amendment is agreed to.

The question occurs on the motion to authorize consideration of the bill under suspension as amended. All in favor say aye.

[Chorus of ayes.]

Chairman LANTOS. Opposed say no.

[Chorus of noes.]

Chairman LANTOS. The ayes have it, and the motion to report favorably is adopted.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and the staff is directed to make any technical and conforming amendments.

We shall now break for our vote and then resume.

[Recess.]

Chairman LANTOS. The committee will resume. Let us close the door, please.

Pursuant to notice I call up the bill, S. 1612, the International Emergency Economic Powers Enhancement Act, for purposes of markup and move that the chairman be authorized to seek consideration of S. 1612 by the House under suspension of the rules.

Without objection, the legislation is considered as read, and I yield myself such time as may be necessary to explain this legislation.

[S. 1612 follows:]

110TH CONGRESS  
1ST SESSION

# S. 1612

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IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2007

Referred to the Committee on Foreign Affairs

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## AN ACT

To amend the penalty provisions in the International  
Emergency Economic Powers Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Emer-  
5 gency Economic Powers Enhancement Act”.

6 **SEC. 2. INCREASED PENALTIES FOR VIOLATIONS OF IEEPA.**

7 (a) IN GENERAL.—Section 206 of the International  
8 Emergency Economic Powers Act (50 U.S.C. 1705) is  
9 amended to read as follows:

10 **“SEC. 206. PENALTIES.**

11 “(a) UNLAWFUL ACTS.—It shall be unlawful for a  
12 person to violate, attempt to violate, conspire to violate,

1 or cause a violation of any license, order, regulation, or  
2 prohibition issued under this title.

3 “(b) CIVIL PENALTY.—A civil penalty may be im-  
4 posed on any person who commits an unlawful act de-  
5 scribed in subsection (a) in an amount not to exceed the  
6 greater of—

7 “(1) \$250,000; or

8 “(2) an amount that is twice the amount of the  
9 transaction that is the basis of the violation with re-  
10 spect to which the penalty is imposed.

11 “(c) CRIMINAL PENALTY.—A person who willfully  
12 commits, willfully attempts to commit, or willfully con-  
13 spires to commit, or aids or abets in the commission of,  
14 an unlawful act described in subsection (a) shall, upon  
15 conviction, be fined not more than \$1,000,000, or if a nat-  
16 ural person, may be imprisoned for not more than 20  
17 years, or both.”.

18 (b) EFFECTIVE DATE.—

19 (1) CIVIL PENALTIES.—Section 206(b) of the  
20 International Emergency Economic Powers Act, as  
21 amended by subsection (a), shall apply to violations  
22 described in section 206(a) of such Act with respect  
23 to which enforcement action is pending or com-  
24 menced on or after the date of the enactment of this  
25 Act.

Attest: NANCY ERICKSON,  
*Secretary.*

Chairman LANTOS. The International Emergency Economic Powers Act, or "IEEPA," has over the years given Presidents the ability to initiate significant economic sanctions against terrorists and terrorist groups, their supporters and financiers and against the very worst of the world's rogue regimes, yet the penalties for violating IEEPA's provisions are ludicrously small.

If you send \$1 million to Osama bin Laden, your fine is \$50,000. Sending a milling machine for shaping nuclear warheads to Iran's President Ahmadinejad, the same maximum fine. It may well be that with existing IEEPA penalties so low they might just as well be labeled as the cost of doing business.

S. 1612 increases civil penalties from \$10,000 to \$250,000 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed. It also increases criminal penalties from \$50,000 or 10 years imprisonment, or both, to \$1 million or imprisonment up to 20 years.

This increase in penalties is entirely appropriate given the critical importance of the International Emergency Economic Powers Act to our national security, and I urge all of my colleagues to support it.

It is now my pleasure to turn to my friend, Ms. Ros-Lehtinen, to provide her views on the legislation.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Lantos, for working on this on a bipartisan spirit as always.

I have a lengthy and very intelligent statement that not even my husband would like for me to deliver, so in the interest of time I would like to yield to Mr. Manzullo, who has been very involved with this legislation, and he would like to have a colloquy with you.

Chairman LANTOS. Before we hear from Mr. Manzullo, let me assure that while your husband may be impatient with your comments, the chair is always ready to listen to them.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Mr. MANZULLO. Thank you very much. I obviously will be supporting the bill.

Mr. Chairman, I have three underlying concerns with the IEEPA bill. For the sake of time, I will simply reference the first two concerns and then request that we engage in a short colloquy on the third.

First, I am concerned that IEEPA significantly raises the penalties that may be levied for export control and sanctions violations without taking into account unintentional, accidental or inadvertent violations by companies which are trying to comply with the law.

I was prepared to offer an amendment to address this concern, but have since been assured by the Departments of Treasury and Commerce that they will not abuse this new authority. I received a letter from Undersecretary of Commerce Mancuso that I respectfully request be inserted into the record.

Chairman LANTOS. Without objection.

Mr. MANZULLO. Thank you.

[The information referred to follows:]



UNITED STATES DEPARTMENT OF COMMERCE  
Under Secretary for Industry and Security  
Washington, D.C. 20230

September 26, 2007

The Honorable Donald A. Manzullo  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Manzullo:

Thank you for your letter of September 24, 2007, to Secretary Carlos Gutierrez expressing your concerns over S. 2000, the Export Enhancement Act of 2007 (EEA), and S. 1612, the International Emergency Economic Powers Enhancement Act. Secretary Gutierrez asked me to respond to you on his behalf.

We share a concern for ensuring the vitality of American businesses – small, medium and large, while keeping the most sensitive U.S. goods and technologies out of the hands of those who would do us harm. The Department of Commerce, including the Bureau of Industry and Security (BIS), welcomes your leadership in promoting the role of America's manufacturing sector in sustaining our country's industrial innovation and global competitiveness.

BIS is focused on ensuring that penalties for violations of the dual-use export control laws and regulations are appropriate. These penalties must not bear disproportionately on small businesses that may have committed a minor, inadvertent violation. With these goals in common, we can work together to protect businesses while protecting America.

Passage of the EEA is an important step toward this goal, and for this reason is a high priority of the Secretary. Although you point out that S. 2000 would substantially increase penalty levels for civil and criminal violations, we believe that such levels are necessary to make these penalties a more effective deterrent to companies that would intentionally violate the law. Given the national security issues involved, such as WMD proliferation, terrorism, and military diversions, we must do all we can to make our export controls effective.

Our intent is not to punish any business unfairly for minor, accidental violations. As you know, BIS has implemented a system that mitigates the penalty if certain elements are met in each case of a violation. It is through this system, as articulated in the BIS Penalty Guidelines published in the Code of Federal Regulations in July 2007 (a copy of which is enclosed for your review), that BIS ensures that the penalty assessed is commensurate with the infraction.

In civil cases, the published Penalty Guidelines set forth several factors that may be considered when deciding ultimate penalty amounts to be imposed, including:

The Honorable Donald A. Manzullo  
Page 2

1. whether or not the respondent submitted a voluntary self-disclosure in the case;
2. whether the respondent had an export compliance program in place at the time of the violation;
3. whether the respondent has a prior conviction for export control violations; and
4. how cooperative the respondent is with the investigation by export enforcement officials.

These, and other factors, are taken into consideration by BIS when imposing penalties to ensure the punishment fits the violation. Further, the Penalty Guidelines are drafted to allow BIS to take into account company size and the nature of the specific violations in a way that would warrant smaller penalty amounts.

Additionally, BIS frequently conducts outreach to large and small businesses to aid in the assessment of their export compliance programs, and to address general compliance questions. These visits and outreach programs provide significant opportunities for the federal government and exporters to have a dialogue on export controls, penalties, and compliance concerns. To that end, I would like to offer to visit your Congressional District and hold roundtable discussions with business leaders and entrepreneurs.

We are working to create, administer and improve an effective and flexible system of export controls that recognize the unique situations that U.S. businesses, particularly small businesses, encounter. Please do not hesitate to contact me or Bill Houston on my staff at 202-482-6002 at anytime. I value our relationship and look forward to working together in the future.

Sincerely,



Mario Mancuso

Enclosure

## GUIDANCE ON CHARGING AND PENALTY DETERMINATIONS IN SETTLEMENT OF ADMINISTRATIVE ENFORCEMENT CASES

### Introduction

This Supplement describes how BIS responds to violations of the Export Administration Regulations (EAR) and, specifically, how BIS makes penalty determinations in the settlement of civil administrative enforcement cases under part 764 of the EAR. This guidance does not apply to enforcement cases for antiboycott violations under part 760 of the EAR.

Because many administrative enforcement cases are resolved through settlement, the process of settling such cases is integral to the enforcement program. BIS carefully considers each settlement offer in light of the facts and circumstances of the case, relevant precedent, and BIS's objective to achieve in each case an appropriate level of penalty and deterrent effect. In settlement negotiations, BIS encourages parties to provide, and will give serious consideration to, information and evidence that parties believe are relevant to the application of this guidance to their cases, to whether a violation has in fact occurred, or to whether they have an affirmative defense to potential charges.

This guidance does not confer any right or impose any obligation regarding what penalties BIS may seek in litigating a case or what posture BIS may take toward settling a case. Parties do not have a right to a settlement offer, or particular settlement terms, from BIS, regardless of settlement postures BIS has taken in other cases.

### I. Responding to Violations

The Office of Export Enforcement (OEE), among other responsibilities, investigates possible violations of the Export Administration Act of 1979, as amended, the EAR, or any order, license or authorization issued thereunder. When it appears that such a violation has occurred, OEE

investigations may lead to a warning letter or a civil enforcement proceeding. A violation may also be referred to the Department of Justice for criminal prosecution. The type of enforcement action initiated by OEE will depend primarily on the nature of the violation.

*A. Issuing a warning letter:* Warning letters represent OEE's conclusion that an apparent violation has occurred. In the exercise of its discretion, OEE may determine in certain instances that issuing a warning letter, instead of bringing an administrative enforcement proceeding, will achieve the appropriate enforcement result. A warning letter will fully explain the apparent violation and urge compliance. OEE often issues warning letters for an apparent violation of a technical nature, where good faith efforts to comply with the law and cooperate with the investigation are present, or where the investigation commenced as a result of a voluntary self-disclosure satisfying the requirements of §764.5 of the EAR, provided that no aggravating factors exist.

OEE will not issue a warning letter if it concludes, based on available information, that a violation did not occur. A warning letter does not constitute a final agency determination that a violation has occurred.

*B. Pursuing an administrative enforcement case:* The issuance of a charging letter under §766.3 of the EAR initiates an administrative enforcement proceeding. Charging letters may be issued when there is reason to believe that a violation has occurred. Cases may be settled before or after the issuance of a charging letter. See §766.18 of the EAR. BIS prepares a proposed charging letter when a case is settled before issuance of an actual charging letter. See §766.18(a). In some cases, BIS also sends a proposed charging letter to a party in the absence of a settlement agreement, thereby informing the

party of the violations that BIS has reason to believe occurred and how BIS expects that those violations would be charged.

C. *Referring for criminal prosecution:* In appropriate cases, BIS may refer a case to the Department of Justice for criminal prosecution, in addition to pursuing an administrative enforcement action.

## II. Types of Administrative Sanctions

There are three types of administrative sanctions under §764.3(a) of the EAR: a civil penalty, a denial of export privileges, and an exclusion from practice before BIS. Administrative enforcement cases are generally settled on terms that include one or more of these sanctions.

A. *Civil penalty:* A monetary penalty may be assessed for each violation. The maximum amount of such a penalty per violation is stated in §764.3(a)(1), subject to adjustments under the Federal Civil Penalties Adjustment Act of 1990 (28 U.S.C. § 2461, note (2000)), which are codified at 15 CFR § 6.4.

B. *Denial of export privileges:* An order denying a party's export privileges may be issued, as described in §764.3(a)(2) of the EAR. Such a denial may extend to all export privileges, as set out in the standard terms for denial orders in Supplement No. 1 to part 764, or may be narrower in scope (*e.g.*, limited to exports of specified items or to specified destinations or customers).

C. *Exclusion from practice:* Under §764.3(a)(3) of the EAR, any person acting as an attorney, accountant, consultant, freight forwarder or other person who acts in a representative capacity in any matter before BIS may be excluded from practicing before BIS.

## III. How BIS Determines What Sanctions Are Appropriate in a Settlement

A. *General Factors:* BIS usually looks to the following basic factors in determining what administrative sanctions are appropriate in each settlement:

*Degree of Willfulness:* Many violations involve no more than simple negligence or carelessness. In most such cases, BIS typically will seek a settlement for payment of a civil penalty (unless the matter is resolved with a warning letter). In cases involving gross negligence, willful blindness to the requirements of the EAR, or knowing or willful violations, BIS is more likely to seek a denial of export privileges or an exclusion from practice, and/or a greater monetary penalty than BIS would otherwise typically seek. While some violations of the EAR have a degree of knowledge or intent as an element of the offense, *see, e.g.*, §764.2(c) of the EAR (acting with knowledge of a violation) and §764.2(f) (possession with intent to export illegally), BIS may regard a violation of any provision of the EAR as knowing or willful if the facts and circumstances of the case support that conclusion. In deciding whether a knowing violation has occurred, BIS will consider, in accordance with Supplement No. 3 to part 732 of the EAR, the presence of any red flags and the nature and result of any inquiry made by the party. A denial or exclusion order may also be considered even in matters involving simple negligence or carelessness, particularly if the violation(s) involved harm to national security or other essential interests protected by the export control system, if the violations are of such a nature and extent that a monetary fine alone represents an insufficient penalty or if the nature and extent of the violation(s) indicate that a denial or exclusion order is necessary to prevent future violations of the EAR.

*Destination Involved:* BIS is more likely to seek a greater monetary penalty and/or denial of export privileges or exclusion from practice in cases involving:

(1) exports or reexports to countries subject to anti-terrorism controls, as described at §742.1(d) of the EAR.

(2) exports or reexports to destinations particularly implicated by the type of control that applies to the item in question – for example, export of items subject to nuclear controls to a country with a poor record of nuclear non-proliferation.

Violations involving exports or reexports to other destinations may also warrant consideration of such sanctions, depending on factors such as the degree of willfulness involved, the nature and extent of harm to national security or other essential interests protected by the export control system, and what level of sanctions are determined to be necessary to deter or prevent future violations of the EAR.

*Related Violations:* Frequently, a single export transaction can give rise to multiple violations. For example, an exporter who mis-classifies an item on the Commerce Control List may, as a result of that error, export the item without the required export license and submit a Shipper's Export Declaration (SED) that both misstates the applicable Export Control Classification Number (ECCN) and erroneously identifies the export as qualifying for the designation "NLR" (no license required). In so doing, the exporter committed three violations: one violation of §764.2(a) of the EAR for the unauthorized export and two violations of §764.2(g) for the two false statements on the SED. It is within the discretion of BIS to charge three separate violations and settle the case for a penalty that is less than would be appropriate for three unrelated violations under otherwise similar circumstances, or to charge fewer than three violations and pursue settlement in accordance with that charging decision. In exercising such discretion, BIS typically looks to factors such as whether the violations resulted from knowing or willful conduct, willful blindness to the requirements of the EAR, or gross negligence; whether they stemmed from the same

underlying error or omission; and whether they resulted in distinguishable or separate harm.

*Multiple Unrelated Violations:* In cases involving multiple unrelated violations, BIS is more likely to seek a denial of export privileges, an exclusion from practice, and/or a greater monetary penalty than BIS would otherwise typically seek. For example, repeated unauthorized exports could warrant a denial order, even if a single export of the same item to the same destination under similar circumstances might warrant just a monetary penalty. BIS takes this approach because multiple violations may indicate serious compliance problems and a resulting risk of future violations. BIS may consider whether a party has taken effective steps to address compliance concerns in determining whether multiple violations warrant a denial or exclusion order in a particular case.

*Timing of Settlement:* Under §766.18, settlement can occur before a charging letter is served, while a case is before an administrative law judge, or while a case is before the Under Secretary for Industry and Security under §766.22. However, early settlement – for example, before a charging letter has been served – has the benefit of freeing resources for BIS to deploy in other matters. In contrast, for example, the BIS resources saved by settlement on the eve of an adversary hearing under §766.13 are fewer, insofar as BIS has already expended significant resources on discovery, motions practice, and trial preparation. Because the effective implementation of the U.S. export control system depends on the efficient use of BIS resources, BIS has an interest in encouraging early settlement and may take this interest into account in determining settlement terms.

*Related Criminal or Civil Violations:* Where an administrative enforcement matter under the EAR involves conduct giving rise to related criminal or civil charges, BIS may take into account the related violations, and their resolution, in determining what administrative sanctions are appropriate under part 766. A criminal conviction indicates serious, willful misconduct and an accordingly high risk of future violations, absent effective administrative sanctions. However, entry of a guilty plea can be a sign that a party accepts responsibility for complying with the EAR and will take greater care to do so in the future. In appropriate cases where a party is receiving substantial criminal penalties, BIS may find that sufficient deterrence may be achieved by lesser administrative sanctions than would be appropriate in the absence of criminal penalties. Conversely, BIS might seek greater administrative sanctions in an otherwise similar case where a party is not subjected to criminal penalties. The presence of a related criminal or civil disposition may distinguish settlements among civil penalty cases that appear otherwise to be similar. As a result, the factors set forth for consideration in civil penalty settlements will often be applied differently in the context of a “global settlement” of both civil and criminal cases, or multiple civil cases, and may therefore be of limited utility as precedent for future cases, particularly those not involving a global settlement.

*B. Specific Mitigating and Aggravating Factors:* In addition to the general factors described in section III.A. of this supplement, BIS also generally looks to the presence or absence of the following mitigating and aggravating factors in determining what sanctions should apply in a given settlement. These factors describe circumstances that, in BIS’s experience, are commonly relevant to penalty determinations in settled cases. However, this listing of factors is not exhaustive and, in particular cases, BIS may consider other factors that may indicate the blameworthiness of a party’s conduct, the actual or potential harm associated with a violation, the likelihood of future violations, and/or other

considerations relevant to determining what sanctions are appropriate.

Where a factor admits of degrees, it should accordingly be given more or less weight. Thus, for example, one prior violation should be given less weight than a history of multiple violations, and a previous violation reported in a voluntary self disclosure by an exporter whose overall export compliance efforts are of high quality should be given less weight than previous violation(s) not involving such mitigating factors.

Some of the mitigating factors listed in this section are designated as having “great weight.” When present, such a factor should ordinarily be given considerably more weight than a factor that is not so designated.

*Mitigating Factors:*

1. The party made a voluntary self-disclosure of the violation, satisfying the requirements of §764.5 of the EAR. All voluntary self-disclosures meeting the requirements of §764.5 will be afforded “great weight,” relative to other mitigating factors not designated as having “great weight.” Voluntary self-disclosures receiving the greatest mitigating effect will typically be those concerning violations that no BIS investigation in existence at the time of the self-disclosure would have been reasonably likely to discover without the self-disclosure. (GREAT WEIGHT)
2. The party has an effective export compliance program and its overall export compliance efforts have been of high quality. In determining the presence of this factor, BIS will take account of the extent to which a party complies with the principles set forth in BIS’s Export Management System (EMS) Guidelines. Information about the EMS Guidelines can be accessed through the BIS Web site at [www.bis.doc.gov](http://www.bis.doc.gov). In this context, BIS will also consider whether a party’s export compliance program uncovered a problem, thereby

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preventing further violations, and whether the party has taken steps to address compliance concerns raised by the violation, including steps to prevent reoccurrence of the violation, that are reasonably calculated to be effective. (GREAT WEIGHT)

3. The violation was an isolated occurrence or the result of a good-faith misinterpretation.

4. Based on the facts of a case and under the applicable licensing policy, required authorization for the export transaction in question would likely have been granted upon request.

5. Other than with respect to antiboycott matters under part 760 of the EAR:

(a) the party has never been convicted of an export-related criminal violation;

(b) in the past five years, the party has not entered into a settlement of an export-related administrative enforcement case with BIS or another U.S. Government agency or been found liable in an export-related administrative enforcement case brought by BIS or another U.S. Government agency;

(c) in the past three years, the party has not received a warning letter from BIS; and

(d) in the past five years, the party has not otherwise violated the EAR.

Where necessary to effective enforcement, the prior involvement in export violation(s) of a party's owners, directors, officers, partners, or other related persons may be imputed to a party in determining whether these criteria are satisfied. When an acquiring firm takes reasonable steps to uncover, correct, and disclose to BIS conduct that gave rise to violations by an acquired business before the acquisition, BIS typically will not take such violations into account in applying this factor in

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settling other violations by the acquiring firm.

6. The party has cooperated to an exceptional degree with BIS efforts to investigate the party's conduct.

7. The party has provided substantial assistance in BIS investigation of another person who may have violated the EAR.

8. The violation was not likely to involve harm of the nature that the applicable provisions of the EAA, EAR or other authority (e.g., a license condition) were intended to protect against; for example, a false statement on an SED that an export was "NLR," when in fact a license requirement was applicable, but a license exception was available.

9. At the time of the violation, the party: (1) had little or no previous export experience; and (2) was not familiar with export practices and requirements. (Note: The presence of only one of these elements will not generally be considered a mitigating factor.)

*Aggravating Factors:*

1. The party made a deliberate effort to hide or conceal the violation(s). (GREAT WEIGHT)

2. The party's conduct demonstrated a serious disregard for export compliance responsibilities. (GREAT WEIGHT)

3. The violation was significant in view of the sensitivity of the items involved and/or the reason for controlling them to the destination in question. This factor would be present where the conduct in question, in purpose or effect, substantially implicated national security or other essential interests protected by the U.S. export control system, in view of such factors as the destination and sensitivity of the items involved. Such conduct might include, for example, violations of controls based on

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nuclear, biological, and chemical weapon proliferation, missile technology proliferation, and national security concerns, and exports proscribed in part 744 of the EAR. (GREAT WEIGHT)

4. The violation was likely to involve harm of the nature that the applicable provisions of the EAA, EAR or other authority (e.g., a license condition) are principally intended to protect against, e.g., a false statement on an SED that an export was destined for a non-embargoed country, when in fact it was destined for an embargoed country.

5. The quantity and/or value of the exports was high, such that a greater penalty may be necessary to serve as an adequate penalty for the violation or deterrence of future violations, or to make the penalty proportionate to those for otherwise comparable violations involving exports of lower quantity or value.

6. The presence in the same transaction of concurrent violations of laws and regulations, other than those enforced by BIS.

7. Other than with respect to antiboycott matters under part 760 of the EAR:

(a) the party has been convicted of an export-related criminal violation;

(b) in the past five years, the party has entered into a settlement of an export-related administrative enforcement case with BIS or another U.S. Government agency or has been found liable in an export-related administrative enforcement case brought by BIS or another U.S. Government agency;

(c) in the past three years, the party has received a warning letter from BIS; or

(d) in the past five years, the party otherwise violated the EAR.

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Where necessary to effective enforcement, the prior involvement in export violation(s) of a party's owners, directors, officers, partners, or other related persons may be imputed to a party in determining whether these criteria are satisfied. When an acquiring firm takes reasonable steps to uncover, correct, and disclose to BIS conduct that gave rise to violations by an acquired business before the acquisition, BIS typically will not take such violations into account in applying this factor in settling other violations by the acquiring firm.

8. The party exports as a regular part of the party's business, but lacked a systematic export compliance effort.

In deciding whether and what scope of denial or exclusion order is appropriate, the following factors are particularly relevant: the presence of mitigating or aggravating factors of great weight; the degree of willfulness involved; in a business context, the extent to which senior management participated in or was aware of the conduct in question; the number of violations; the existence and seriousness of prior violations; the likelihood of future violations (taking into account relevant export compliance efforts); and whether a monetary penalty can be expected to have a sufficient deterrent effect.

#### IV. How BIS Makes Suspension and Deferral Decisions

A. *Civil Penalties*: In appropriate cases, payment of a civil monetary penalty may be deferred or suspended. See §764.3(a)(1)(iii) of the EAR. In determining whether suspension or deferral is appropriate, BIS may consider, for example, whether the party has demonstrated a limited ability to pay a penalty that would be appropriate for such violations, so that suspended or deferred payment can be expected to have sufficient deterrent value, and whether, in light of all of the circumstances, such suspension or deferral is necessary to make the impact of the penalty consistent with the impact of BIS

**Administrative Enforcement Proceedings**

penalties on other parties who committed similar violations.

B. *Denial of Export Privileges and Exclusion from Practice:* In deciding whether a denial or exclusion order should be suspended, BIS may consider, for example, the adverse economic consequences of the order on the respondent, its employees, and other parties, as well as on the

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national interest in the competitiveness of U.S. businesses. An otherwise appropriate denial or exclusion order will be suspended on the basis of adverse economic consequences only if it is found that future export control violations are unlikely and if there are adequate measures (usually a substantial civil penalty) to achieve the necessary deterrent effect.

Mr. MANZULLO. Second, I am very concerned about the lack of knowledge most businesses have regarding issues related to sanctions.

Mr. Chairman, I have an amendment at the desk that would mandate better small business outreach by the Departments of Treasury and Commerce before this act comes into effect. This would be a true deterrence, much better than Treasury issuing a \$932.45 penalty for a company that inadvertently facilitates an export of raw cotton from the Sudan to Bangladesh.

Mr. Chairman, I will not offer this amendment, but respectfully request that we work together to make sure that small businesses receive the guidance they need.

Finally, Mr. Chairman, and most important to the aerospace manufacturers in our country, I must express strong concern about how the Department of State is currently interpreting Section 17[c] of the Export Administration Act.

I had an amendment at the desk that addresses and resolves the concern, but I obviously will not be introducing that in light of our colloquy. Mr. Chairman, may I enter into a colloquy with you concerning that amendment?

Chairman LANTOS. Please.

Mr. MANZULLO. Thank you. The manufacturers in this country desperately need resolution brought to an interagency dispute that has not resolved itself and unnecessarily caused the aerospace industry billions of dollars and is threatening the loss of thousands of jobs in this country from New York to California.

The dispute is over an interpretation of Provision 17[c] of the EAA which says that all civil aircraft parts and components that were previously certified by the Federal Aviation Administration shall be controlled by Commerce. However, the Department of State believes that the law is unclear and does not recognize the authority of Section 17[c].

What this means to the tens of thousands of workers whose jobs are at stake is that their employers from the large multinational to the small mom and pop shop must engage in excessive and costly efforts to verify that the original design intent or predominant global use are not military in nature.

This means that a small manufacturer will have to devote scarce resources to determine either, one, the entire engineering history of that item to determine that it has never been used for military application, however simple that item may be, including a screw, bracket, sealant or brake system that may have been developed 50 years ago; or, two, conduct a costly survey to determine if the global predominance of the item is commercial.

In a recent hearing held by Chairman Sherman, Assistant Secretary of Commerce Chris Padilla declared that 17[c] is very clear and that these items are clearly under Commerce's control. Likewise, I believe that congressional intent is quite clear and supports Assistant Secretary Padilla's conclusion.

When 17[c] was passed by our predecessors the accompanying report language stated:

"In providing in this section that civil aircraft equipment be subject to export controls under the Export Administration Act process rather than the Arms Export Control Act the com-

mittee intends that the Department of Defense should nevertheless continue to review license application for such exports since they may have important military applications.

"The committee notes, however, that all FAA certified equipment integrated in civilian aircraft is so certified because it contributes to in-flight safety. That being the case, it is appropriate that it be subject to the flexible case-by-case controls of the Export Administration Act of 1969 rather than the more stringent controls imposed by legislation and executive determination under the Arms Export Control Act."

Mr. Chairman, I have expressed my concerns of the State Department's interpretation of 17[c]. I have also shared the impact of this interpretation on aerospace manufacture with the administration through meetings, phone calls and letters.

Most recently, 34 Members, including 22 members of this committee, on both sides of the political aisle sent a letter to the President requesting that he provide clear guidance to the aerospace industry. My impression is that the administration is unlikely to resolve this issue without encouragement and leadership from this committee.

The amendment that I was prepared to offer would seek to reaffirm congressional intent that Commerce controls these items. I firmly believe that this committee and this Congress must act now.

Mr. Chairman, you have an excellent record of exercising leadership on challenging issues, and that is why our nation's aerospace manufacturers and I respectfully request that this committee, through your leadership, bring resolution to the issue.

Mr. SHERMAN. Mr. Chairman?

Chairman LANTOS. I thank my friend from Illinois for his remarks. I agree with the gentleman that the licensing jurisdiction of aircraft components that are wholly or predominantly civilian need to be clarified by our administration.

To that end, committee staff has been working with industry and the Departments of State and Commerce for several months now to resolve this issue as quickly as possible. I understand that the gentleman has been doing the same, and I commend him for his efforts in this regard.

I am prepared to commit to working with him and the administration to clarify the licensing jurisdiction of civil aircraft components to promote both greater competitiveness of the U.S. civil aviation industry and the safeguarding of U.S. national security, taking into account original congressional intent.

We will seek to achieve this before the end of the current session of Congress by all appropriate means, including legislation, should that be necessary.

I am pleased to recognize now the gentleman from California, Mr. Sherman.

Mr. SHERMAN. Mr. Chairman, I would report to the committee that our subcommittee did have hearings on this issue. Mr. Manzullo was an active participant in those hearings.

We expect that sometime in October we will mark up a bill dealing with all of the issues that arise when we license the export of munitions and dual use items, and I believe that that bill will go

at least 95 percent in the direction that Mr. Manzullo would like us to reach.

He is absolutely correct that this is a burden on those who make parts for aircraft and ultimately will be a burden on our ability to sell aircraft around the world.

I yield back.

Mr. MANZULLO. Mr. Chairman?

Mr. PENCE. Mr. Chairman?

Chairman LANTOS. Yes, Mr. Manzullo?

Mr. MANZULLO. I want to thank you for the colloquy and look forward to working with you and your committee.

Chairman LANTOS. It will be a pleasure to engage in a colloquy with you, a continuing colloquy.

With unanimous consent, I am introducing into the record a letter from the Department of the Treasury concerning this matter.

[The information referred to follows:]



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

September 25, 2007

ASSISTANT SECRETARY

The Honorable Tom Lantos  
Chairman  
Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Department of the Treasury strongly supports S.1612, the International Emergency Economic Powers Enhancement Act of 2007. This legislation would lift current impediments to meaningful enforcement of U.S. sanctions against terrorist financiers, proliferators of weapons of mass destruction, Iran, Sudan, and other threats under the International Emergency Economic Powers Act (IEEPA). The Department appreciates the efforts of the Chairman and Ranking Member in considering it.

IEEPA authorizes the President to respond to unusual and extraordinary threats originating in substantial part outside the United States by, among other things, prohibiting transactions and blocking assets in an effort to deal with the threat. Those who would violate these prohibitions by, for example, trading with the Government of Sudan or routing funds to designated terrorist entities face penalties set forth in IEEPA. The current civil penalties in the statute do not present an effective response or deterrent to such violations. Under current law, in cases involving serious violations, repeat offenses, or knowing conduct that serves to undermine the national security and foreign policy goals of the sanctions, the maximum civil penalty is capped at \$50,000 per violative transaction, representing, in some cases, far less than the value of the prohibited transactions. The penalties for violating a core national security statute should not be dismissible as a "cost of doing business." This legislation would remedy this problem by allowing the United States Government to impose a penalty commensurate with the gravity of a violation.

The Office of Foreign Assets Control (OFAC) within the Department of the Treasury is responsible for administering and enforcing economic sanctions in coordination with other government agencies. In administering its civil penalty authorities, OFAC follows the procedures set out in each set of regulations implementing its sanctions programs. *See, e.g.*, 31 CFR §§ 538.701-705 (Sudanese Sanctions Regulations); 31 CFR §§ 560.701-706 (Iranian Transactions Regulations). These provide for formal notice of charges and an opportunity for the respondent to be heard through written submissions before OFAC decides whether to impose a penalty and in what amount. As an alternative to a civil penalty, OFAC may choose to issue a warning letter or, if appropriate, decline penalty action. OFAC regulations provide guidance on the settlement options of which a respondent may avail itself, and OFAC has published guidelines in the Federal Register illustrating the types of aggravating and mitigating factors that

serve either to increase or decrease the penalty that otherwise might be imposed. Among the mitigating factors considered by OFAC are voluntary disclosure, first-time offenses, and remediation undertaken by the violator. OFAC is currently in the process of updating its enforcement guidelines to provide further guidance to the private sector. OFAC's goal is to use its penalty authorities to increase sanctions compliance and foster remediation.

OFAC regularly publishes an update on its website of civil penalties imposed and settlements achieved, and its past practice demonstrates that OFAC takes a measured approach to using its penalty authorities. In a great number of instances, OFAC does not impose the maximum penalty per count, and it will continue to apply its authorities in a judicious and responsible manner under an increased penalty system.

IEEPA is a vitally important tool in our shared efforts to combat terrorist financing and other illicit activity such as WMD proliferation, as well as in furthering our national security and foreign policy with respect to Iran, Sudan, Burma, and other foreign threats. The Treasury Department urges the Committee to approve this critical enhancement to IEEPA.

Sincerely,



Kevin I. Fromer  
Assistant Secretary  
for Legislative Affairs

Chairman LANTOS. Are there any amendments?

Mr. PENCE. Mr. Chairman?

Chairman LANTOS. Mr. Pence?

Mr. PENCE. I have an amendment at the desk.

Chairman LANTOS. The clerk will distribute the amendment expeditiously.

The clerk will report.

Ms. RUSH. Amendment to S. 1612 offered by Mr. Pence of Indiana.

At the appropriate place in the bill insert the following new section, Section blank, "Sense of Congress respecting . . ."—

Chairman LANTOS. Without objection, the amendment will be considered as read.

[The amendment of Mr. Pence follows:]

AMENDMENT TO S. 1612  
OFFERED BY MR. PENCE OF INDIANA

At the appropriate place in the bill, insert the following new section:

1 SEC. \_\_\_\_ . SENSE OF CONGRESS RESPECTING THE INDE-  
2 PENDENT AND PROFESSIONAL REPUTATION  
3 OF GENERAL DAVID H. PETRAEUS AND ALL  
4 MEMBERS OF THE UNITED STATES ARMED  
5 FORCES SERVING IN GOOD STANDING IN THE  
6 DEFENSE OF THE UNITED STATES.

7 (a) FINDINGS.—Congress finds the following:

8 (1) General David H. Petraeus was confirmed  
9 by a unanimous vote of 81-0 in the Senate on Janu-  
10 ary 26, 2007, to be the Commander of the Multi-  
11 National Forces–Iraq.

12 (2) General David H. Petraeus assumed com-  
13 mand of the Multi-National Forces–Iraq on Feb-  
14 ruary 10, 2007.

15 (3) General David H. Petraeus previously  
16 served in Operation Iraqi Freedom as the Com-  
17 mander of the Multi-National Security Transition  
18 Command–Iraq, as the Commander of the NATO  
19 Training Mission–Iraq, and as Commander of the

1 101st Airborne Division (Air Assault) during the  
2 first year of combat operations in Iraq.

3 (4) General David H. Petraeus has received nu-  
4 merous awards and distinctions during his career,  
5 including the Defense Distinguished Service Medal,  
6 two awards of the Distinguished Service Medal, two  
7 awards of the Defense Superior Service Medal, four  
8 awards of the Legion of Merit, the Bronze Star  
9 Medal for valor, the State Department Superior  
10 Honor Award, the NATO Meritorious Service Medal,  
11 and the Gold Award of the Iraqi Order of the Date  
12 Palm.

13 (5) The leadership of the majority party in both  
14 the House of Representatives and the Senate im-  
15 plored the American people and Members of Con-  
16 gress early in January 2007 to listen to the generals  
17 on the ground.

18 (b) SENSE OF CONGRESS.—Congress—

19 (1) recognizes the service of General David H.  
20 Petraeus, as well as all other members of the Armed  
21 Forces serving in good standing, in the defense of  
22 the United States and the personal sacrifices made  
23 by General Petraeus and his family, and other mem-  
24 bers of the Armed Forces and their families, to serve  
25 with distinction and honor;

1           (2) commits to judge the merits of the sworn  
2 testimony of General David H. Petraeus without  
3 prejudice or personal bias, including refraining from  
4 unwarranted personal attacks;

5           (3) condemns in the strongest possible terms  
6 the personal attacks made by the advocacy group  
7 MoveOn.org impugning the integrity and profes-  
8 sionalism of General David H. Petraeus;

9           (4) honors all members of the Armed Forces  
10 and civilian personnel serving in harm's way, as well  
11 as their families; and

12           (5) pledges to move forward on all policy debate  
13 regarding the war in Iraq with the solemn respect  
14 and the commitment to intellectual integrity that the  
15 sacrifices of these members of the Armed Forces  
16 and civilian personnel deserve.

Mr. ACKERMAN. Mr. Chairman?

Ms. ROS-LEHTINEN. Mr. Chairman?

Chairman LANTOS. The gentleman from New York?

Mr. ACKERMAN. Mr. Chairman, I would like to make a point of order against the amendment.

Chairman LANTOS. A point of order is made against the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman?

Chairman LANTOS. The gentleman will state his point of order.

Mr. ACKERMAN. Mr. Chairman, this amendment deals with subject matter outside of the scope of the legislation as the underlying legislation does not address Iraq.

In addition, the amendment deals with jurisdiction outside of the jurisdiction of the committee and is in violation of Rule 10 of the House of Representatives and therefore is not germane.

Chairman LANTOS. The chair is prepared to rule.

Mr. PENCE. Mr. Chairman?

Ms. ROS-LEHTINEN. Mr. Chairman?

Chairman LANTOS. The chair is prepared to rule.

Mr. PENCE. Mr. Chairman?

Ms. ROS-LEHTINEN. If we could have a brief statement?

Chairman LANTOS. The chair is prepared to rule.

This amendment deals with a subject matter that is outside the scope of the legislation as the underlying legislation does not address Iraq.

In addition, the amendment deals with jurisdiction outside the jurisdiction of the committee and is in violation of Rule 10 of the House of Representatives, and therefore it is not germane.

The point of order raised by the gentleman from New York is sustained.

Mr. PENCE. Mr. Chairman?

Ms. ROS-LEHTINEN. Mr. Chairman?

Mr. PENCE. I would move to appeal the ruling of the chair.

MALE VOICE. Mr. Chairman, I move to lay the gentleman's motion on the table.

Chairman LANTOS. The question is on the motion to table. All those in favor say aye?

[Chorus of ayes.]

Chairman LANTOS. Opposed, no?

[Chorus of noes.]

Chairman LANTOS. I ask for a roll call.

Ms. RUSH. Chairman Lantos?

Chairman LANTOS. Yes.

Ms. RUSH. Chairman Lantos votes yes.

Mr. Berman?

Mr. BERMAN. Aye.

Ms. RUSH. Mr. Berman votes yes.

Mr. Ackerman?

Mr. ACKERMAN. Yes.

Ms. RUSH. Mr. Ackerman votes yes.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Yes.

Ms. RUSH. Mr. Faleomavaega votes yes.

Mr. Payne?

Mr. PAYNE. Yes.  
Ms. RUSH. Mr. Payne votes yes,  
Mr. Sherman?  
Mr. SHERMAN. Yes.  
Ms. RUSH. Mr. Sherman votes yes.  
Mr. Wexler?  
[No response.]  
Ms. RUSH. Mr. Engel?  
[No response.]  
Ms. RUSH. Mr. Delahunt?  
Mr. DELAHUNT. Yes.  
Ms. RUSH. Mr. Delahunt votes yes.  
Mr. Meeks?  
[No response.]  
Ms. RUSH. Ms. Watson?  
Ms. WATSON. Yes.  
Ms. RUSH. Ms. Watson votes yes.  
Mr. Smith of Washington?  
Mr. SMITH OF WASHINGTON. Aye.  
Ms. RUSH. Mr. Smith of Washington votes yes.  
Mr. Carnahan?  
Mr. CARNAHAN. Yes.  
Ms. RUSH. Mr. Carnahan votes yes.  
Mr. Tanner?  
[No response.]  
Ms. RUSH. Mr. Green?  
[No response.]  
Ms. RUSH. Ms. Woolsey?  
Ms. WOOLSEY. Yes.  
Ms. RUSH. Ms. Woolsey votes yes.  
Ms. Jackson Lee?  
Ms. JACKSON LEE. Yes.  
Ms. RUSH. Ms. Jackson Lee votes yes.  
Mr. Hinojosa?  
[No response.]  
Ms. RUSH. Mr. Crowley?  
Mr. CROWLEY. Yes.  
Ms. RUSH. Mr. Crowley votes yes.  
Mr. Wu?  
[No response.]  
Ms. RUSH. Mr. Miller?  
Mr. MILLER. Yes.  
Ms. RUSH. Mr. Miller votes yes.  
Ms. Sánchez?  
Ms. SÁNCHEZ. Yes.  
Ms. RUSH. Ms. Sánchez votes yes.  
Mr. Scott?  
Mr. SCOTT. Yes.  
Ms. RUSH. Mr. Scott votes yes.  
Mr. Costa?  
Mr. COSTA. Yes.  
Ms. RUSH. Mr. Costa votes yes.  
Mr. Sires?  
Mr. SIRES. Yes.

Ms. RUSH. Mr. Sires votes yes.  
 Ms. Giffords?  
 [No response.]  
 Ms. RUSH. Mr. Klein?  
 Ms. GIFFORDS. Yes.  
 Ms. RUSH. Sorry. Ms. Giffords votes yes.  
 Mr. Klein?  
 Mr. KLEIN. Yes.  
 Ms. RUSH. Mr. Klein votes yes.  
 Ms. Ros-Lehtinen?  
 Ms. ROS-LEHTINEN. On behalf of those who wear our nation's uniform, no.  
 Ms. RUSH. Ms. Ros-Lehtinen votes no.  
 Mr. Smith of New Jersey?  
 Mr. SMITH OF NEW JERSEY. No.  
 Ms. RUSH. Mr. Smith of New Jersey votes no.  
 Mr. Burton?  
 Mr. BURTON. No.  
 Ms. RUSH. Mr. Burton votes no.  
 Mr. Gallegly?  
 [No response.]  
 Ms. RUSH. Mr. Rohrabacher?  
 Mr. ROHRABACHER. No.  
 Ms. RUSH. Mr. Rohrabacher votes no.  
 Mr. Manzullo?  
 Mr. MANZULLO. No.  
 Ms. RUSH. Mr. Manzullo votes no.  
 Mr. Royce?  
 Mr. ROYCE. No.  
 Ms. RUSH. Mr. Royce votes no.  
 Mr. Chabot?  
 Mr. CHABOT. No.  
 Ms. RUSH. Mr. Chabot votes No.  
 Mr. Tancred?  
 Mr. TANCREDO. No.  
 Ms. RUSH. Mr. Tancred votes no.  
 Mr. Paul?  
 [No response.]  
 Ms. RUSH. Mr. Flake?  
 [No response.]  
 Ms. RUSH. Ms. Davis?  
 [No response.]  
 Ms. RUSH. Mr. Pence?  
 Mr. PENCE. Still believing the House should be heard on this, I vote no.  
 Ms. RUSH. Mr. Pence votes no.  
 Mr. Wilson?  
 Mr. WILSON. No.  
 Ms. RUSH. Mr. Wilson votes no.  
 Mr. Boozman?  
 [No response.]  
 Ms. RUSH. Mr. Barrett?  
 Mr. BARRETT. No.  
 Ms. RUSH. Mr. Barrett votes no.

Mr. Mack?

[No response.]

Ms. RUSH. Mr. Fortenberry?

[No response.]

Ms. RUSH. Mr. McCaul?

[No response.]

Ms. RUSH. Mr. Poe?

[No response.]

Ms. RUSH. Mr. Inglis?

[No response.]

Ms. RUSH. Mr. Fortuño?

Mr. FORTUÑO. No.

Ms. RUSH. Mr. Fortuño votes no.

Mr. Bilirakis?

Mr. BILIRAKIS. No.

Ms. RUSH. Mr. Bilirakis votes no.

Chairman LANTOS. Are there any members who have not been recorded? Mr. Meeks?

Mr. MEEKS. Aye.

Ms. RUSH. Mr. Meeks votes yes.

Chairman LANTOS. Mr. Wexler?

Mr. WEXLER. Yes.

Ms. RUSH. Mr. Wexler votes yes.

Chairman LANTOS. Anybody on the Republican side?

[No response.]

Chairman LANTOS. The clerk will report.

Mr. Engel?

Mr. ENGEL. Yes.

Ms. RUSH. Mr. Engel votes yes.

Chairman LANTOS. The clerk will report.

Ms. RUSH. On this vote there are 23 ayes and 13 nays.

Chairman LANTOS. The motion is carried.

Mr. BURTON. Mr. Chairman? Mr. Chairman?

Chairman LANTOS. Mr. Burton?

Mr. BURTON. I have a parliamentary inquiry, sir.

Chairman LANTOS. Please state your inquiry.

Mr. BURTON. We have had numerous hearings on Iraq and the war and Afghanistan and Iraq, and I cannot understand—maybe you can explain, Mr. Chairman—why this is not germane. Why is this not within the purview of this committee?

We have had numerous hearings on it, and if this doesn't fall within the purview of this committee then why did we have those other hearings?

Chairman LANTOS. If I may respond to my good friend from Indiana? He is absolutely correct. The committee had a number of hearings on Iraq, and given the fact that the war continues we are likely to have additional hearings on Iraq. Iraq is very much within the jurisdiction of the committee.

This hearing does not deal with Iraq. Therefore, it was the ruling of the chair that with respect to the legislation pending before the committee the amendment was not germane.

Mr. BURTON. Mr. Chairman, a further parliamentary inquiry.

Chairman LANTOS. Please.

Mr. BURTON. Then I understand from what you just said, Mr. Chairman, that if we have further hearings on Iraq we will be able to broach this subject before the committee, bring this subject before the committee?

Chairman LANTOS. If there is legislation where the gentleman's amendment will be germane the chair will be delighted to rule the gentleman's amendment in order.

Mr. BURTON. A further parliamentary inquiry. If we have a hearing, Mr. Chairman, on the subject, not of any legislation or markup, but if we have a hearing on the subject of the war in Iraq then this will be allowed to be discussed?

Chairman LANTOS. That is not what I said. What I said was Iraq is very much within the jurisdiction of this committee. Advertisements by various groups are not the subject of this committee's jurisdiction. The chair will not consider germane advertisements by groups in favor of or against the war in Iraq.

We are prepared to deal as we have dealt on numerous occasions and will continue to deal in the future on numerous occasions with the substantive issues pertaining to the war in Iraq. That is a prime concern of this committee. Advertisements placed by various groups of whatever philosophical orientation are not germane to the work of this committee.

Mr. BURTON. A further parliamentary inquiry.

Chairman LANTOS. Please, Mr. Burton.

Mr. BURTON. I simply would like to inquire as to how we can have a hearing on a subject as important as Iraq without discussing the leadership of the military in Iraq, which has been criticized severely by organizations outside the scope of the Congress. It seems like to me that that has an impact on the process.

Chairman LANTOS. The gentleman is correct. The leadership in Iraq is a subject which is properly within the jurisdiction of this committee. The leadership of our military with respect to the conduct of the war in Iraq is a proper subject of this committee.

Personally, I have expressed the highest regard for General Petraeus and all of our military leaders, both active and retired, with respect to their passionate dedication to public service.

I am not prepared to discuss within this committee's jurisdiction advertisements placed by groups favoring, opposing or just commenting on the subject of the war in Iraq because we are not a journalism class dealing with advertisements dealing with any public subject. We are prepared to deal with the subject itself, but not with advertisements in connection with the subject, and I trust that this answers my friend from Indiana.

We will try to conclude this item. Are there any other amendments?

[No response.]

Chairman LANTOS. If not the question occurs on the motion to authorize consideration of the measure under the suspension of the rules. All in favor say aye.

[Chorus of ayes.]

Chairman LANTOS. All opposed say no.

[Chorus of noes.]

Chairman LANTOS. The ayes have it, and the motion is adopted.

We might be able to finish the last item if members are cooperative as they always are. Pursuant to notice, I call up H. Res. 676, declaring that it should continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability for purposes of markup and move that the chairman be authorized to seek consideration of this resolution by the House under suspension of the rules.

[H. Res. 676 follows:]

.....  
(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

## H. RES. 676

Declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.

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### IN THE HOUSE OF REPRESENTATIVES

Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, and [see ATTACHED LIST of cosponsors]) submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

---

## RESOLUTION

Declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability.

Whereas relations between the United States and Taiwan are governed by the Taiwan Relations Act (22 U.S.C. 3301 et seq.; Public Law 96-8), three joint communiqués, and the Six Assurances;

Whereas the Taiwan Relations Act has governed United States arms sales to Taiwan since 1979, when the United

States extended diplomatic recognition to the People's Republic of China;

Whereas the Taiwan Relations Act specifies that it is United States policy, among other things, to consider any non-peaceful means to determine Taiwan's future "a threat" to the peace and security of the Western Pacific and of "grave concern" to the United States; "to provide Taiwan with arms of a defensive character;" and "to maintain the capacity of the United States to resist any resort to force or other forms of coercion" jeopardizing the security, or social or economic system of Taiwan's people;

Whereas section 3(a) of the Taiwan Relations Act states that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability";

Whereas section 3(b) of the Taiwan Relations Act stipulates that both the President and the Congress shall determine the nature and quantity of such defense articles and services "based solely" upon their judgment of the needs of Taiwan;

Whereas Taiwan's 2007 defense budget included approximately \$488,000,000 to begin the process of procuring 66 new United States-origin F-16C/D fighters, pending United States price and availability data;

Whereas after October 31, 2007, those funds will no longer be available to begin the process of procuring the F-16C/D fighters;

Whereas the Taiwanese Defense Ministry has requested and the Executive Yuan (cabinet) approved in August 2007 a 2008 defense budget that includes approximately

\$764,000,000 for the second year's budget for F-16C/D fighters;

Whereas notwithstanding the requirements of the Taiwan Relations Act, the Bush Administration has not been responsive to Taiwan's clear expression of interest in receiving price and availability data for the F-16C/D fighters; and

Whereas in its annual, congressionally mandated report on China's Military Power (most recently released in May 2007) the Department of Defense concluded that China is greatly improving its military, with those improvements largely focused on a Taiwan contingency, and that this build-up poses an increasing threat to Taiwan and ultimately to the United States military presence in Asia: Now, therefore, be it

1       *Resolved*, That—

2           (1) it shall continue to be the policy of the  
3       United States, consistent with the Taiwan Relations  
4       Act, to make available to Taiwan such defense arti-  
5       cles and services as may be necessary for Taiwan to  
6       maintain a sufficient self-defense capability; and

7           (2) the United States should determine the na-  
8       ture and quantity of such defense articles and serv-  
9       ices “based solely” upon the legitimate defense needs  
10      of Taiwan.

Chairman LANTOS. Before turning to my good friend, the distinguished ranking member, to introduce this resolution let me indicate my strong support for this measure under the Taiwan Relations Act. We are committed to help Taiwan defend itself.

Taiwan's democratically elected leaders have made the decision to purchase additional F-16s to defend themselves, and the administration in my judgment must respond positively to Taiwan's very legitimate request.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Well said, Mr. Chairman. Thank you.

Chairman LANTOS. Are there any amendments? Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Mr. Chairman, would I be allowed now to express my concerns concerning this resolution?

Chairman LANTOS. Please.

Mr. FALEOMAVAEGA. With that, Mr. Chairman, I have the highest respect for the gentlelady as our senior ranking member of this committee.

There is not one provision, Mr. Chairman, in this resolution that does not accurately portray the current situation in our relations with Taiwan, as well as with China.

The Taiwan Relations Act of 1979 has always been the basis of how our country has defined its relationship with Taiwan. There has been no change in the provisions of this act. The act also allows the United States to provide the sale of arms to assist Taiwan with its defense capabilities against its enemies, and we all know that presumptively it is the People's Republic of China.

We all know also, Mr. Chairman, that for weeks and months there have been some very strong, tense months in the Taiwan Straits, the relations between Taiwan and the People's Republic of China.

For some 15 times now Taiwan has sought to become a member of the United Nations, which has caused a flurry of some very passionate exchanges of differing views even among the colleagues like our colleagues of this body for which I respect, but I disagree.

Taiwan has upcoming national elections next year in March, Mr. Chairman. There is a difference of opinion among the leaders on the course Taiwan should take, especially in its position or relationship with China. One of the two major parties advocate peaceful coexistence with the People's Republic of China, and Taiwan's other major political party seeks independence and a sovereignty in its future status.

We all know that a one China/two systems policy continues to be our national policy in the Taiwan Straits. It came out as a relic of the history of the civil war in China, the defeat of Chiang Kai-shek by Mao Tse Tung, the problem of China having been declared as an independent nation in 1949 and since that time Chiang Kai-shek sat there on the Security Council supposedly to represent some 1 billion people in China.

Chairman LANTOS. May I ask my friend to try to conclude his statement? Because once we vote I will close this markup session. Otherwise we will have to return.

Mr. FALCOMA. I just want to say, Mr. Chairman, I have many other reasons why I express the concern that I have about this resolution, but I will not oppose the resolution, Mr. Chairman.

I only want to caution my colleagues of some of the real sensitivities involved here in the current relationship between Taiwan and China and our relations with both of these entities, which I feel very concerned that we might be only adding more fuel to the fire rather than trying to avert a crisis in the Taiwan Straits.

With that, Mr. Chairman, I yield back.

Chairman LANTOS. I want to assure my friend that his statement in total will be made part of the record.

The question occurs on the motion to authorize consideration of the measure under suspension of the rules. All in favor say aye.

[Chorus of ayes.]

Chairman LANTOS. Opposed say no.

[Chorus of noes.]

Chairman LANTOS. The ayes have it, and the motion is adopted.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating any amendments adopted by the committee. Staff is directed to make any technical and conforming amendments.

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. Yes?

Ms. JACKSON LEE. Mr. Chairman, may I speak for 15 seconds out of order, please?

Chairman LANTOS. Please go ahead for 15 seconds.

Ms. JACKSON LEE. Thanks, Mr. Chairman.

As I was coming back from the vote, let me just applaud the legislation addressing the question of the victims of the Embassy bombing and the work of the ranking member and the chairman and the increase in the money. These have been victims, public servants of this nation, and I am grateful that we have passed H.R. 2828 I believe the number is.

Chairman LANTOS. I appreciate the lady's comments.

Ms. JACKSON LEE. I look forward to moving forward on the floor. I yield back. Thank you.

Chairman LANTOS. The meeting of the committee is now adjourned.

[Whereupon, at 12:10 p.m., the committee was adjourned.]

## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE DIANE E. WATSON, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

Thank you, Mr. Chairman. I would like to start by thanking the Chairman for his efforts to work out a compromise on H.R. 2828, to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998. I believe that the version you have crafted does justice for the families of those Americans who died in the service of their country when al Qaeda attacked our embassies in 1998. Furthermore, it also provides a mechanism moving forward to reassure our diplomats who serve in harm's way that America supports them. Thank you, Mr. Chairman, for your efforts on this bill.

I also want to address H.R. 2003, the Ethiopia Democracy and Accountability Act of 2007. Ethiopia is one of the oldest and proudest civilizations in the world. Sitting astride the confluence of Africa and Asia, of Islam and Christianity, Ethiopia has over the centuries found its diversity to be an crucial asset, even as it poses significant challenges.

Ethiopia's recent history has been marred by political violence. In May of 2005, Ethiopia held elections, which some observers billed as the free-est in the country's history. Unfortunately, these elections still fell far short of the basic standards of openness and transparency. U.S. based groups funded by the National Endowment for Democracy were prevented from observing the elections. When average Ethiopians took to the streets to protest their flawed elections, the government responded with violence, killing dozens of unarmed citizens.

Mr. Chairman, I think there are some key points we need to keep in mind when we try to craft a policy to support democracy in Ethiopia. Ethiopia is not a totalitarian dictatorship. The May 2005 elections were deeply flawed. Even so, they resulted in unprecedented electoral gains for opposition parties. Furthermore, the United States cannot bring democracy to Ethiopia. Democracy is a process that must be—and will be—led by Ethiopians themselves. The most we can hope to do is provide assistance to those Ethiopians seeking to bring peaceful, positive change to their country.

Ethiopia is a strong ally of the United States, and we should continue to support Ethiopia and the Ethiopian people. I know that the Ethiopian Government is concerned that this bill somehow represents a break in the strong relationship between the United States and Ethiopia. But I want to reassure my Ethiopians friends that it represents just the opposite. Ethiopia is so important to the United States that I believe the United States must be fully invested in Ethiopia's success. That means that we have an obligation to do what we can to support those Ethiopians who are seeking to change their country, to make it stable, democratic and affluent. I support the balanced approach in H.R. 2003 as an effective strategy for achieving this goal. Thank you Mr. Chairman.

